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Official Report of Debates (Hansard)

Wednesday 10 December 2003

Journal des débats (Hansard)

Mercredi 10 décembre 2003

Standing committee on government agencies

Organization

Comité permanent des organismes gouvernementaux

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Chair: Dominic Agostino
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 10 December 2003

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 10 décembre 2003

The committee met at 1004 in room 228.

ELECTION OF CHAIR

Clerk of the Committee (Ms Anne Stokes): Good morning, everyone. Welcome to the standing committee on government agencies. My name is Anne Stokes and I'm the clerk of the committee. I would like to preside over the election of the Chair.

Honourable members, it is my duty to call upon you to elect a Chair. Are there any nominations?

Mr Ernie Parsons (Prince Edward-Hastings): I would like to nominate Dominic Agostino.

Clerk of the Committee: Are there any further nominations?

Ms Laurie Scott (Haliburton-Victoria-Brock): I would like to nominate Gilles Bisson.

Mr John R. Baird (Nepean-Carleton): I have a point of order, Madam Clerk.

Clerk of the Committee: I'm sorry. As the clerk, I cannot take points of order. Once there is a Chair in the chair, the Chair can entertain points of order.

Mr Baird: It's about the election process.

Clerk of the Committee: I'm sorry. I can't take a point of order.

Mr Baird: Mr Agostino is a parliamentary assistant and a member of the executive branch of government. I wanted to know, is it in order that a member of the executive branch be reviewing itself? This committee reviews government appointments, and I wonder, is it fair to have a member of the executive branch reviewing executive branch appointments? This is eerily similar to the Howard Wilson situation in Ottawa, where the integrity commissioner works for the executive branch.

Clerk of the Committee: Sir, I cannot entertain a point of order, but—

Mr Baird: What about a point of privilege?

Clerk of the Committee: —I could clarify that the standing orders make no reference to party affiliation for the Chair of this particular committee.

Mr Baird: I'm just talking about the fact that a member of the executive branch of government would be chairing an oversight committee on the executive branch of government. I've read all these press releases and listened to all these speeches where all of the Liberal caucus are now members of the executive branch in one shape or form. I just wonder how fair and right, should Mr Berardinetti, Ms Matthews, Mr Levac, Mr Parsons, Mr Dhillon, Mrs Smith and Mr Agostino—

Ms Monique Smith (Nipissing): It's Ms Smith.

Mr Baird: Ms Smith. Should they not absent themselves from the vote? It's an inherent conflict of interest, because Dalton McGuinty says they're playing a central role in the government. How can they vote? It's sort of like being allowed to be their own referee. That's unparliamentary.

Mr Dave Levac (Brant): Taking the member's statements seriously, I would prefer that this be dealt with at another level, because there are no points of order in the election of a Chair for this committee. If there is something that seems to be out of order and would be duly recognized at a later date—because we're simply electing a Chair, with no points of order.

Mr Baird: So we can send scrutineers after the election's happened? After the election's over and the ballots are destroyed, then we can send in the scrutineers, Mr Whip? You would have eaten us alive if we had tried this.

Clerk of the Committee: I cannot entertain a point of order and I cannot speak to the issue that you've raised. We can proceed with the—

Mr Baird: What about a point of privilege?

Clerk of the Committee: No, neither a point of privilege. A point of order can be addressed by a Chair.

Mr Baird: Chair, this is outrageous.

Mr Gilles Bisson (Timmins-James Bay): Madam Chair?

Clerk of the Committee: I'm not the Chair. I'm the clerk of the committee. I'm only authorized to preside over the election of the Chair.

Mr Bisson: I think Mr Baird raises a point that is quite important and needs to be taken seriously. To the first point, basically your decision not to hear a point of order, if you take a look at least in Beauchesne and Erskine May, in the federal House and other Houses points of order were taken during the election of Chairs at committee and in the House. So I don't agree with your interpretation that you're not allowed to deal with this. At this point, what I think you have to do is call somebody else down to deal with this point of order, namely, the Speaker of the House or one of the deputies.

Clerk of the Committee: There is nothing I can do. The only authority I have is to preside over the election

of the Chair. Once there is a Chair in place, then points of order and points of privilege—

Mr Bisson: But Madam Speaker—sorry. To the clerk of the committee, I'm saying it is in order for a point of order to be taken. You're right that you as a clerk cannot take it, but we have the right to call the Speaker down into the committee to deal with the point of order that Mr Baird wants to raise. I think the point he makes is a good one. This is an oversight committee. He has a legitimate concern, and I'm sure members of the government want to take this as seriously as is intended. I would request at this point that the committee adjourn in order to call down either the Speaker or one of the Deputy Speakers to deal with this particular point of order before we move forward with the nomination and election of a Chair.

Mr Baird: How can Mr Agostino, with great respect to his personal attributes, oversee an appointment with respect to the Ministry of the Environment when he might have made the appointment? Or how could Ms Smith oversee the appointment to one of the many colleges of health care practitioners when she could have very well made the appointment, or Ms Matthews and the social benefits appeals tribunal? How can they oversee themselves? I mean, this is unprecedented in any country in the Commonwealth.

Mr Levac: I would continue to suggest that we move forward with the election, and by doing so the points that are being raised can be dealt with at a later date. If this is proven to be inappropriate, it will be struck down. If it's not—

Mr Baird: By the person—

Mr Levac: I would appreciate the courtesy we've been extending you to make your points.

There is nothing wrong with proceeding as you've been instructed to do by the clerk, and then if those points are brought to us as either a point of order or a point of privilege—whatever those circumstances are—if it's inappropriate now, it's inappropriate later, and it will be struck down if it's according to what the gentlemen are saying at this moment. There's nothing wrong with proceeding, and I would suggest that we continue to proceed and move forward, and if we continue to be interrupted on these particular points, we turn the mikes off and proceed.

Clerk of the Committee: I can repeat, my only authority is to preside over the election of the Chair. I don't have the authority to recess. I could disband, disperse the committee and we could meet at a later date.

Mr Baird: I nominate Lisa Freedman.

Clerk of the Committee: I'm sorry, sir. You are not a member of the committee, and I cannot accept that nomination.

Ms Scott: I nominate Lisa Freedman.

Clerk of the Committee: Lisa Freedman is staff of the assembly. She is not a member of the committee. She cannot be nominated. I cannot accept that nomination.

Mr Baird: Under what standing order? She has been nominated as a committee Chair in the past.

Mr Bisson: You're allowed to nominate anyone you want. The difficulty is that the standing orders say that when there is a point of order, it has to be taken immediately. That's in our standing orders. If you look at both Erskine May and Beauchesne, there have been incidents where this kind of thing has happened before, where opposition parties—or in some cases possibly government, but I'm only aware of opposition parties—have tried to raise points of order about the election process of a Chair and have gone so far as to have points of order about the election of a Speaker, and at that point, those points of order have to be taken. Now, in the case of a Speaker, it's a little bit different: It has to be taken up by the Clerk or you have to refer to the previous Speaker; that's the way it's normally done. Here, we're asking that you basically bring down either the Speaker or one of the Deputy Speakers to deal with the point of order.

I take at face value what Mr Baird is raising as a legitimate concern. How can this committee feel it is able to be blind, when it comes to appointments, if the very people we're appointing as Chair are people who are executive council? How can one police oneself? I think it's a legitimate point.

We're asking at this point that you maybe confer with the Clerk's office in order to doublecheck, but I would ask that you bring the Speaker or the Deputy Speaker into this committee to deal with the point of order before we proceed; otherwise, the suggestion Mr Levac makes is, "Because we're the majority, we can do what we want. Therefore, let's move on." I don't accept that as an argument. I'm asking that you bring the Speaker or the Deputy Speaker into this committee before we proceed.

Mr Levac: Madam Clerk, first of all, I'd like to correct the record of what words are being put into my mouth. I suggested very clearly that we move on with what you've described as your parameters as the clerk. I suggest that we continue to do that. I also move that nominations be closed.

Ms Scott: I'd just ask for clarification. Do you know what standing order it is that prevents Lisa Freedman from being nominated as Chair?

Clerk of the Committee: What I might suggest is that if we'd like to pause for a moment, I will confer with Lisa Freedman and we'll see how we can proceed.

Mr Baird: I don't mean to put you in an awkward position, but this is an important issue of oversight.

The committee recessed from 1014 to 1020.

Clerk of the Committee: We are back in order. I would like to put the question on the nomination for the Chair. Mr Agostino was the first nominated. I would like to ask the vote on Mr Agostino as Chair. All those in favour? All those opposed? I declare Mr Agostino Chair of the committee.

The Chair (Mr Dominic Agostino): Thank you. First of all, I appreciate the intercession from the junior member from Nepean. You have the floor.

Mr Baird: There were two candidates nominated. Mr Bisson was also nominated for Chair by Ms Scott. There was no vote on that name.

The Chair: The standing orders say that the first name that gets the majority of votes receives the Chair, so—

Mr Baird: You won't even allow an election?

The Chair: You're interrupting. First of all, wait until I'm finished, please.

The standing orders allow the first name that's nominated with the majority of the votes to become the Chair. So now we're going to move to the Vice-Chair.

Mr Baird: Which standing order is that?

Mr Bisson: Point of order, Chair.

The Chair: I'm still dealing with this point of order, so you're going to have to wait.

Mr Bisson: How would know how these people would vote if you haven't had the opportunity to have the vote?

Mr Baird: I wanted to ask questions of the candidates for Chair.

The Chair: We'll carry on. Just carry on to the election of the Vice-Chair.

Mr Baird: To the point of order: You said it was against the standing orders. I'm asking which standing order it's against.

The Chair: OK, we will find out.

Mr Bisson: On the same point of order.

The Chair: Still dealing with that point of order? OK, go ahead, Mr Bisson.

Mr Bisson: Thank you very much. If I understand, what you just said was that the person who gets the most votes is the person who wins the committee. But how would you know that person would have got the most votes if you didn't accept the nominations that were put forward by the official opposition? There was no election. My point is, how in heck would you know how your members of the committee would have voted or not voted if there wasn't an actual election? The other candidate was not allowed to stand. There were two people duly nominated—

Mr Baird: I wanted to ask them a question before we voted.

Ms Lisa Freedman: Just to clarify what the standing orders require for the election of a Chair, if there is more than one nomination for Chair of a committee, the standing orders and the history of the committee is that you put the first name that was nominated up. If that person gets a majority of the votes of the committee, that person is Chair. You do not proceed to any of the other names.

Mr Baird: Under what standing order is that?

Ms Freedman: Under the practice and procedure for electing Chairs and Vice-Chairs of subcommittees.

Mr Baird: Which standing order is that?

Ms Freedman: You won't find it in the standing orders, Mr Baird.

Mr Baird: I've never heard of where you could not nominate another candidate and have a competitive election. There was a motion to nominate Mr Agostino, and with great respect to him—I think he's a great member—I wanted to ask a question of the candidates. I had a question for Mr Bisson. I had a question for Mr Agostino. Frankly, I had a question for Ms Freedman as another nominated candidate.

The Chair: The ruling has been made. I think Ms Freedman has explained the procedural practice that has been used. I'm going to move on to the next item. If you want to challenge the Chair's ruling, you can do that and we'll put it to an immediate vote.

Mr Bisson: A clarification: Is "the direction received by the Premier" what you just said?

The Chair: No, no. What Ms Freedman had said.

Mr Bisson: I heard "Premier."

The Chair: No, no, not at all. You've got to listen a little carefully.

Ms Scott: Chair, are you taking nominations for Vice-Chair at this time?

ELECTION OF VICE-CHAIR

The Chair: Now we move to the election of the Vice-Chair.

Ms Scott: I'd like to nominate Gilles Bisson for Vice-Chair, please.

Mr Vic Dhillon (Brampton West-Mississauga): I'd like to nominate Ms Deb Matthews.

The Chair: We have two nominations. We'll take a vote.

Mr Baird: You didn't call for any further nominations.

The Chair: Any further nominations?

Mr Bisson: I would like to nominate Lisa Freedman.

The Chair: You can decline, if you would like, or accept. Any other nominations?

We'll now move on the first nominee. Let me explain it. If the first person nominated receives a majority of the votes, then that person becomes the Vice-Chair. If not, we'll move to the second person nominated.

All those in favour of the nominee, Mr Bisson. Opposed? The nomination has been defeated.

Now we'll move to the second nomination.

Interjection.

The Chair: Nominations are closed.

We will now move to the second nomination. All those in favour of Ms Matthews as Vice-Chair of the committee? Opposed? Ms Matthews is Vice-Chair of the committee by a majority.

Mr Bisson: I ask for a recorded vote.

The Chair: We will do it this time. Generally, you ask before the vote takes place.

Mr Bisson: I didn't get a chance. You were moving pretty quickly.

The Chair: This time we will allow a recorded vote. On the first or the second?

Mr Bisson: On the second.

The Chair: Raise your hands and it will be called out.

Ayes

Berardinetti, Dhillon, Levac, Matthews, Parsons, Smith.

Nays

Bisson, Scott, Tascona.

The Chair: Thank you.

APPOINTMENT OF SUBCOMMITTEE

The Chair: We now move to the appointment of the subcommittee on committee business.

Ms Scott: I move that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair or on the request of any member therof, to consider and report to the committee on the business of the committee;

That the subcommittee be composed of the following members: the Chair as Chair, Mr Parsons and Mr Tascona;

That the presence of all members of the subcommittee is necessary to constitute a meeting.

The Chair: All those in favour of the motion? Any opposed? It's carried.

Mr Baird: Point of order, Mr Chair: Could I ask for unanimous consent if, as they've done in other committees and as per government notice of motion number 5, brought in by Mr Duncan, which I have been very supportive of, I say to his capable team who are here—

The Chair: Mr Baird, you're out of order because you're not a member of the committee.

Mr Baird: I'm asking for unanimous consent.

The Chair: You can't do that. You're not a member of the committee and you are not subbed in. It would have to be—

Mr Baird: Can't you do anything by unanimous consent?

The Chair: No. You don't have the floor to ask for any consent at this point. You can speak on an item, but you have no vote unless you're subbed in for someone else.

Mr Bisson: Chair, I would ask for unanimous consent that we do as we have in other committees, that I be allowed to sit on the subcommittee to be able to deal with matters that come before the subcommittee, as per what is in government notice of motion number 5.

Mr Levac: Chair, just a clarification: That was to be invited to participate.

Mr Bisson: What happens on other committees—for example, Ms Churley sits on a subcommittee. There was unanimous consent at that committee to allow that to happen. The committee can only function if members participate. The business of this committee is going to be determined by subcommittee, so I'm asking for unanimous consent to allow me to sit on the subcommittee as a permanent member of the subcommittee.

Mr Levac: I believe that's not the case. I believe they are invited to attend those subcommittee meetings. That's what we will accept as unanimous consent, but not to sit on the subcommittee. If that's the intent, if that's the wording they're using, that Mr Bisson sit on the committee, we will not accept it.

The Chair: Mr Bisson, would you be willing to change that to "invited"?

1030

Mr Bisson: I've asked for a motion on unanimous consent. If you want us to move another one—

The Chair: All right. We have a motion for unanimous consent. Do we have unanimous consent?

Interjection: No.

The Chair: Thank you. Mr Levac?

Mr Levac: I would come back to the same issue, except worded differently, that Mr Bisson be invited to attend those subcommittee meetings, as per the other arrangements made in the committees.

The Chair: We're asking unanimous consent. Do we have unanimous consent? All those in favour? We have unanimous consent, so Mr Bisson will be invited to attend the subcommittee meetings, as is the practice with the other committees.

Mr Baird: The members of the official opposition and the members of the New Democratic Party do have a concern. Given that the committee normally meets between 10 and 12, I perhaps could speak to it now, not as a point of order or point of privilege but just as a matter of business that this committee is reflecting on.

There is a significant concern among many, both in the official opposition and I think in the third party, that this Chair—and I have a tremendous amount of respect for your capabilities and capacity as a member to undertake your responsibilities, both as a member of the executive branch and the legislative branch. But there is a tremendous concern among many members and people outside of Parliament that a government oversight committee, this being one of the three government oversight committees, is being chaired and vice-chaired—and the subcommittee is now a majority government committee, for the first time. It has never happened in our 136 years as a country.

The Chair: Just to clarify, the subcommittee is one member of each party.

Mr Baird: And the Chair.

The Chair: Yes. The Chair is non-partisan. I think you have to respect that role.

Mr Baird: I know, but the concern is that you have two parliamentary assistants in that subcommittee, forming a majority. As the Integrity Commissioner of Ontario has ruled, in virtually every single ruling, you cannot separate your responsibilities as a member of the executive branch of government from your responsibilities as a member of the legislative branch. You always have both hats on.

There is a terrific amount of concern with respect to this committee being chaired by a member of the government. I was wondering if you had any thoughts or any response as the Chair. You have an important responsibility at the Ministry of the Environment. Now that we have, for the first time ever, a member of the executive branch of government chairing an executive

branch oversight committee, would it be your intention to remove yourself as Chair if they were considering a Ministry of the Environment appointment? Would the Vice-Chair withdraw herself if it was an issue with respect to the Ministry of Community and Social Services? Should parliamentary assistants or members of the Legislature who sit on a cabinet committee vote on areas that—for instance, if you are a member of the cabinet committee on economic development and there is an appointment with respect to Ontario Exports, should you vote on an appointment to the board of Ontario Exports?

I'm just troubled to understand how you could sit on a cabinet committee which the Premier has described as a central decision-making body in his government and then be in oversight of yourself. I have a tremendous concern about it. I think it's best to be honest and upfront and have the courage of my convictions to put these concerns on the record. They are serious concerns. We were earlier trying to make a point, in one of the only vehicles we have in our parliamentary system, on a very serious issue. This has never happened before. I think there's a need to establish some ground rules now that the government has come in and used its majority to impose its will on the committee. There has to be a set of rules of engagement. When the subcommittee is meeting to consider an appointment—I mean, Mr Parsons is the parliamentary assistant to the Minister of Transportation. If there was an important responsibility coming forward on transportation, how could you have Mr Parsons on the subcommittee, now controlled by the government? Mr Parsons, who will be at the table when these decisions are made, could very well be making the appointments himself. How could he now be doing the oversight on that committee?

My concern is both with the subcommittee members, now comprised of a government majority, and with the Chair and the Vice-Chair. I know Ms Matthews to be an honourable person and I know you to be an honourable person, but I think it puts you in a terrible predicament. I know you and Ms Matthews don't want to be in a conflict of interest. But even more than that, I know that neither of you wants to be in a position where there might be a perception among members of the public or members of Parliament that there's a conflict there. I feel very strongly about this and I wanted to raise it and I wanted get some direction from you on how this very serious issue affecting an important committee of the Legislature would be dealt with.

Mr Bisson: On that point, just to talk to it, this is a serious issue. Since 1986, this committee has existed. It was created originally, if I understand correctly, by the Peterson government—

Mr Lorenzo Berardinetti (Scarborough Southwest): Chair, what do you have to do to get recognized here? I'm new, and I want to speak as well. I know that the other members here are much more experienced—

Mr Bisson: You'll be next. Not a problem

The Chair: We'll have points of order, and we'll go on a rotation.

Mr Berardinetti: Thank you very much. And do we have time limits in place for speaking?

The Chair: Twenty, minutes, say, is the time limit. Actually, we are going to go through a process of explaining how the committee works. We'll deal with the points of order first, then we will go through that process on time limits and time for speaking and rotation—basic housekeeping items of the committee.

Mr Bisson: To the point, I just want to weigh in where Mr Baird has entered. This committee is responsible for the oversight of all appointments to government agencies of this provincial government. We now have a situation where, for the first time since this committee has been struck—it was originally struck in 1986 by the Peterson government for the very reason of giving the assembly an ability to oversee the appointments to various public agencies. At that time in 1986 and ever since then, under Mr Peterson, under Mr Rae, under Mr Harris and under Mr Eves, it has always been understood that the oversight committees are chaired by the opposition, because the government does not want to be seen as having influenced the order of business that comes before this committee or to be seen as using their majority to stifle the role this committee has to play, which is the oversight of those appointments.

So here we are. I want to echo what my friend Mr Baird has said. It's not a question of disrespect to Mr Agostino. I know him to be an honourable member. That ain't the point. The point is that this committee is here to oversee all the appointments. So here's the problem we've now got: The subcommittee is now, by majority, controlled by the government. The Chair is on the committee and so is the official opposition. That's two. Then you've got the Conservative opposition member who's on the subcommittee as a voting member. I'm only there by invitation; I don't have a vote on the subcommittee. That very subcommittee is going to determine who is called before this committee for oversight when it comes to public appointments. I can't control what's going to happen because we no longer have a majority on that committee. By virtue of the Chair being a member of the government, they now control the subcommittee. If I or a member of the official opposition want to call person X before this committee to ask questions about a public appointment this government has done, you can use your majority on the subcommittee to block that person from appearing before this committee. I think you are putting yourselves in an awful position. Quite frankly, and rightfully so, not only the members of the opposition but the public and the media will recognize that basically you're blocking the ability of the opposition to call forward public appointments.

The second point is that by having this committee chaired by a member of the government, we are breaking the tradition of what this committee was all about in the very first place. For members who've just been elected here, three committees are oversight committees of this House: You have the public accounts committee, you have the estimates committee, and you have the public

appointments committee. Those committees are always chaired by the opposition for a reason. They're oversight committees. They're very important committees.

Public accounts looks at the details of the expenditures of the government. It is chaired by a member of the opposition. By virtue of having an opposition member as Chair of that committee, you have a certain ability, at the subcommittee at least, to order up the business of that committee. It's pretty well driven by the opposition. I accepted that in government. I know Mr Baird accepted that in government. Quite frankly, people who served under the Peterson government accepted that.

1040

The same thing goes when it comes to estimates. The estimates committee is chaired by a member of the opposition for that very reason. It is the committee we have, as members of this assembly, to call any ministry before it to ask questions about expenditures within that particular ministry. Again, why is it chaired by a member of the opposition? So we have an oversight. There is at least a sense that the government, by way of its majority, is not controlling the business of that committee. That's why we put in place opposition Chairs.

It's the same thing with this committee. I would argue that this committee is one where you as a government would want to make sure you have squeaky clean hands. You will have appointments over the next four years; you will appoint some of your own, and that's natural. I don't argue that you shouldn't appoint Liberals to agencies, because we have to have people of all persuasions, including Liberals, in those agencies. But if there's ever a controversial appointment made, you could be in the position as a government—mark my words—where you will be roundly criticized for being partisan in your appointments, because this committee will not be seen as serious in doing its job in overseeing those appointments. I'm just saying to members of the government, you don't want to go there.

You might think this is neat with Mr Agostino, as your own, as a Chair. No disrespect to the Chair, but you will be seen as interfering in the oversight process we have to overlook the appointments of the government. I think where you're going is very wrong, and I want to strongly put forward not only my opposition to this but the opposition of all members of the New Democratic caucus. This is not good business; this is not the way this committee should operate. It's somewhere you should not want to be going. If you do, it tells me that your sense of democratic renewal is quite opposite to what you promised in the last election.

Mr Berardinetti: In reading the booklet in front of us today, the resource binder—again, I'm new to all this, so I respect the opinions of Mr Bisson and Mr Baird and anyone else who speaks here—on page 2 it says basically "It is not the responsibility of the committee, committee Chair or committee clerk to determine whether a conflict of interest exists. Members with a possible conflict of interest should seek the advice of the Integrity Commissioner, as outlined in the Members' Integrity Act." We're governed by the Members' Integrity Act, and I would simply put forward, in addressing the point that has been raised here, that those concerns, with all due respect—and perhaps they're legitimate concerns; we don't know at this point in time—should be put forward to the Integrity Commissioner if these members feel that is the route to go. Other than that, I think we need to proceed and go forward with what is—

Interjection.

Mr Berardinetti: I'm sorry. I think I heard something said there.

Mr Bisson: I apologize.

Mr Berardinetti: OK. I've had my experience being on city council committees that ran days and nights and evenings. Quite frankly, if there's a problem, we try to resolve it, and the way to resolve it is through legislation, through the law. The law here is the Members' Integrity Act, as far as I can see. So I would suggest we use that act if it's required, that if there's any perceived or actual or even potential conflict we go that route. Otherwise, let's go forward with the business of this committee.

The Chair: On the same point?

Mr Levac: Yes, Mr Chair. I will repeat what I said, before you took the chair, in my comments to the clerk. The concerns being raised by the two members opposite are legitimate. As a matter of fact, any concerns that get raised are legitimate concerns if people believe something is not appropriate. There is a path to take. The first one we're taking right now is the point of order, leaving the Chair with a bit of work to do in terms of clarification as to whether or not this an appropriate action.

I would point out to the members opposite, particularly those on the official opposition side, regarding the appointments and the question of whether anyone who is part of the government should be participating, that in terms of appointments from 2001, Mr Kells, up until June 13, 2001, was a member of the standing committee on government agencies, Mr Mazzilli was a parliamentary assistant, Mr Ouellette was a parliamentary assistant, Mr Spina was a parliamentary assistant and Mr Wood was a parliamentary assistant.

I also want to make it very clear, to correct the record as spoken by the member of the official opposition, that they are not members of the executive council. People do not swear the oath to the executive council, nor to cabinet, and they did not participate. It's a non-appointment under the Executive Council Act, to make that perfectly clear. We took arguments as to whether or not this is legitimate. The record indicated up to this point that some of those issues they're talking about—if you're going to be looking into them, you look into them under the fact. The fact is that they are not members of the executive council and they did not swear that oath to the executive council under the Executive Council Act. I would reinforce the fact that if there is a conflict, each of us is responsible in our own right. If there are those who are not, it would definitely be brought to the Integrity Commissioner, because they can charge somebody under the Integrity Act and have an investigation as to whether

there is a conflict. We've seen some of those charges and accusations fall by the wayside, and the Integrity Commissioner made it quite clear there was not a conflict; in other cases, there have been conflicts. That's the job of the Integrity Commissioner.

Having said that, Mr Chairman, I would suggest to you as well, under government motion number 5, which was used in the other one I was talking about re the parliamentary assistant, those are where that comes from, in terms of motion number 5.

I would ask that we move on with the business of the day, and then have the concerns that have been raised dealt with in an appropriate manner.

The Chair: I'll entertain Mr Baird and then Mr Bisson and then we'll move on.

Mr Baird: I appreciate the intervention of the chief government whip, because he does bring up some fair points. If I could just respond, yes indeed, many parliamentary assistants over the years have sat on this committee. But three things were different. One, the Chair was a member of the opposition, two, the Vice-Chair was a member of the opposition, and three, the sub-committee comprised a majority of opposition members, so it had the capacity to deal with things.

I made no suggestion that parliamentary assistants were members of the executive council. What I did say is that they're members of the executive branch of government. They hold official capacities in the executive branch of government. They're housed in executive offices, not in legislative offices, and their expenses are paid out of the executive branch. They work in the executive branch of government, while not on the executive council. And they do swear an oath to cabinet. The concern I would have is that if the Chair, Vice-Chair or one of the steering committee members, now that it's a majority, was in a cabinet committee and said, "We'd like to appoint Mr X to a board or commission," and serious concerns were raised about Mr X in that cabinet committee, those three individuals have sworn an oath that they can't disclose that anywhere else and would be put in a position where they would go to official legislative business knowing that there were serious concerns about Mr X and being prevented from raising them. It's only in the context that it's a majority government committee, a situation, in all fairness, that the government put themselves in, that causes me concern.

I appreciate the comments of Mr Berardinetti with respect to the Integrity Commissioner. We only have one option to file an official complaint, that we believe someone has broken the law and is guilty. You actually have to present evidence to the Integrity Commissioner as such. It's something I've never done against another member. I know Mr Parsons; I vehemently disagree with him on a lot of things, but I know him to be an honourable member. I know Ms Matthews, by reputation, to be an honourable person. I certainly know Mr Agostino, in eight years, to an be honourable member. I don't think it's appropriate to say, "Wait until a crime has been committed, wait until someone has broken the law, before we deal with this."

I think it's more of an issue, and a substantive issue, today because we have, for the first time since 1986, a government member chairing it. We have a Vice-Chair that's a member of the government. A majority of members on the steering committee are in government. I was on this committee as parliamentary secretary to the Chair of Management Board some years ago, but whenever I went to the subcommittee, I was in the minority, so I couldn't control anything—nothing.

The concern I have is that, rather than going to the stage of—you know, if I file a complaint against Ms Matthews, she's got to get a lawyer to defend herself. The last time someone filed a case against me, I had to spend seven grand on a lawyer's bill to prove that the allegations were false. In the regrettable circumstances we find ourselves in, we've tried to suggest it's not a good idea for the government to chair and vice-chair and have a majority of the control committee. The committee has decided that they're going to do otherwise. I think there should be some very clear guidance or statements from the three individuals to say that if there is a government appointee of their ministry or any cabinet committee that has any relation to it, they would absent themselves from the role of Chair and Vice-Chair—not as a member of the committee. The public perception, and the reality of this, is a very real concern.

1050

Earlier on, I think we were trying to make a point. It perhaps was some legislative tomfoolery. I think it's regrettable that that's the only vehicle we have to make our case. I just want to put these concerns on the table. I think they're best able to be dealt with upfront. I think it would be in the interests of the Chair, the Vice-Chair and the subcommittee member, who are all parliamentary assistants, to try to assuage the concerns that those of us in the opposition have in terms of how this would be done.

I am not going to file complaints against Ms Matthews, Mr Parsons or Mr Agostino, because I don't think they've broken any rules. I think there is a very real perception that all members will have, that the media will have and that the public will have that there is not a fair oversight of these appointments. Thank you for the indulgence of committee members to listen to the point.

Mr Bisson: I don't want to go any longer than we need to, but I think the members of the government really need to reflect on this. You are going to be perceived as trying to stymie an oversight process that we have here in the Legislature. There's just no other way of putting it.

We're all honourable members here. I know that the newly elected people want to do the right thing. Those who have been here before understand how this process is supposed to work. Power is an alluring thing, in the sense of being able to have one of your own on this particular committee. I just repeat that you're really putting yourselves in a bad spot. The minute there's a controversial appointment that comes before this com-

mittee and you use your majority on the subcommittee to block any opportunity the opposition may have to order that person before the committee, you're going to be in one heck of a spot. I want to put it on the record.

That's why I think you should reflect on what has been said and that we should return to opening nominations for a new Chair, so we're in a position to have this oversight committee do what it's struck to do. We need the opposition to have a majority on the subcommittee. Mr Baird made this point, and I sat on this committee when I was in government. There were people whom Liberals and Tories called before the committee that I, as a government member, didn't want called, because the person happened to be a New Democrat and I didn't want to go through what that meant in that people may or may not have raised issues. But I couldn't do anything about it, because the majority of the subcommittee and the business ordered before this committee was controlled by the opposition. That's a good process, because at the end of the day, if your political appointments as a government can't stand up to the scrutiny of this committee, you're only doing yourself a favour by not allowing that appointment to go forward.

I'm just saying again, this really sets a dangerous precedent. This committee's mandate, when it was struck, was as an oversight committee set up to give the opposition the opportunity to call forward any public appointment that the government of the day makes. You're really opening yourselves up to a fair amount of criticism—and I think it'll be fair criticism—in having the ability to control the subcommittee and the chair.

On the issue that the honourable member raises in terms of the Integrity Commissioner, I hear what you're saying, but that doesn't resolve the issue we have here. The problem, I repeat, is that a member of the subcommittee could all of a sudden say, "I want to refer this matter to the Integrity Commissioner to find out if I'm able to block a particular appointee from coming before this committee." The Integrity Commissioner ain't going to deal with that. He or she is only going to deal with, "Are you in a direct conflict?" The Integrity Commissioner cannot deal with the politics of the appointment.

If I'm the parliamentary assistant to environment and I'm on the subcommittee and I'm trying to block any appointment review such as for Environmental Commissioner, yes, the Integrity Commissioner can deal with whether you're in a conflict vis-à-vis that actual situation, but he cannot deal with the politics of this thing. That's all I'm saying. In our business, perception is everything, and the perception you're creating by doing this, quite frankly, is very dangerous.

Mr Baird: I think we are really trying in the House to work differently than we have in previous years, and I appreciate the work that the government—certainly working with the official opposition. Might I suggest, we're not out here for any gotcha-type game. We've made points; I've been impressed that members have sat and listened to them. Perhaps all the members of the committee, ourselves included, could reflect on what you've said, if you could reflect on what we've said, particularly the three individuals in question, and maybe confer with each other and discuss this at a future meeting. I don't think there's anything to be gained. I think the points have been made. I appreciate that they've been taken seriously by you, Mr Chair, and by other members of the committee. I did not raise a point of order, so you don't have a ruling to make, but these members may just want to reflect on it and then discuss it at a future meeting.

Mr Levac: I appreciate those words, because that's what I've been trying to say since the clerk had the chair. My last comment, though, is that we're being presented with the worst-case scenarios. I want to make that perfectly clear. There are worst-case scenarios being presented by the members from the other side. There is an assumption, it seems to me, that we will block as many appointees or as many people coming to give deputations as possible. That's not the case. I would like to suggest that the record will show, eventually, that no matter how it's being painted into a corner, those corners are not necessarily even there. I just want to make that point, because the worst-case scenarios are being presented.

Mr Bisson: Can I have just one very, very last point? Just to draw an analogy, we have an Integrity Commissioner here in the province of Ontario who is independent. We have all the confidence, as members, in our Integrity Commissioners over the years doing a good job. Look at what has happened at the federal level, where the Prime Minister appoints the—what do they call them?—oversight commissioner. It's not even an Integrity Commissioner. There's no confidence in that process because people well understand that it's a public appointment, an appointment by the Prime Minister's office. All we're saying is this committee is one of the important committees of oversight in this Legislature.

I just say again that the minute you bring forward an appointment that is controversial and we decide we want to interview that particular person, there will be all kinds of pressure, from the Premier's office on down, to block certain appointees from being questioned at this committee. It will happen. Trust me. It has happened under every government before. It happened under the Peterson government, it happened under the Rae government, and it happened under the Tories, where the government tried to not have certain people come before this committee for appointment review.

If we as the opposition are not able to control who is called before this committee, this committee is defunct. It has no power. This is our ability as opposition members to call forward any appointment you have to come before this committee. I repeat, if the appointment can't stand the test of this committee, that person should not get the appointment.

I'm just saying right now that I understand where you're going, Mr Levac, chief government whip. You're an honourable person. This is not a personal attack on

you. I'm just saying that at the end of the day, it'll be very hard for your government not to utilize its majority on the subcommittee. You guys will use your majority on the subcommittee, because you will have appointments that you don't see as controversial but that we do, and you will try to block reviews.

The Chair: Thank you. First of all, the points that have been made have been well taken and understood. There are no standing orders broken with this process we're using. The rules are being followed. What I will say, though, is that I think that as honourable members, all of us, we have to trust the integrity of the members. If a member feels they're in a conflict, he or she will remove themselves from that position. The practice of the subcommittee has been not to block recommended names that come forward. I believe that practice will continue. I appreciate the concerns raised by the members here.

We'll move on now. It's not on the agenda, but I thought it may be useful for members of the committee to get a quick overview of how the committee works, the process, particularly for the new members. If there are questions of the clerk, we can go from there.

1100

Clerk of the Committee: Mr Agostino has asked me to give you a brief overview of the committee. I'd like to introduce Larry Johnston. He's the research officer. Larry participates each week in the committee and is very useful to the committee. I thought I would talk about the appointments aspect of the job and Larry could talk about the agency review aspect of the mandate.

As you may know, there is a twofold mandate in the committee. One is the authority to institute a review of any agency, board or commission that the committee wishes. It's a very broad-ranging mandate in terms of the scope of the review it would like to undertake. This is a committee in which the standing orders are quite explicit in how it operates. The second mandate of the committee is what we have just been talking about, the review of intended appointees that are made by order in council. It is a public oversight of these order in council appointments that are made.

The standing orders, and you'll find them under standing order 106, are explicit. They go through a step-by-step process on how that is accomplished. What I'm distributing now is an example of what a certificate looks like. This is the certificate that is signed by the Premier on behalf of the cabinet and is tabled to indicate the appointments made at the most recent cabinet meeting. Once the certificate is tabled and a copy comes to me, as clerk of the committee, I distribute this certificate to the subcommittee members. The subcommittee members select one or more intended appointees that they would like to review. They can select zero. You don't have to select somebody, but it could be any number. It could be the entire certificate, if one of the members would like to do that. The subcommittee reports to the committee. There is a report prepared by my office that goes to the committee at the next meeting to indicate what those selections were. I might add that the standing orders also provide that this committee reviews only those appointments that are made for more than a year. Appointments for a year less a day or reappointments do not come before this committee.

The standing orders state that when the subcommittee reports to the committee, the committee determines the date for the review of the people and the time that will be allocated for each appointment. In the past, the committee has established procedures on its own to facilitate this process. It was found to be cumbersome to try to set up subcommittee meetings, often on a weekly basis, to get all the subcommittee members to go through the certificate and make their selections. So what the committee has adopted in past practice, which was readopted in the last Parliament, was that for that particular procedure, once the subcommittee members receive the certificate, they are required to get back to me as clerk by the following Thursday at 5 o'clock any of the selections that have been made. So rather than holding a meeting, they have been sending in their selections to me and then I proceed to notify the ministries involved of those people who have been selected or not selected and we start scheduling people for interviews.

Rather than setting up a requirement to determine, each time, how much time would be allocated to each review, that same procedure that the committee adopted established the practice whereby each interview would last 30 minutes. Those 30 minutes would be divided equally among the three caucuses. If the intended appointee arrives and makes a statement at the beginning, that time has customarily has been deducted from the government's time, in terms of asking questions.

Once somebody has been selected for review, we receive a biographical background or resumé for that person, and the research officer, Larry, prepares information on the agency, board or commission to which that person is going to be appointed. Larry will provide the background on the agency, he will discuss certain issues that have been raised with that agency, and he can even provide sample questions or areas of inquiry that you might want to pursue. This information is produced and compiled by my office and is given to you before each committee meeting, hopefully the week before so you have time to review it before we schedule people. We work closely with the Public Appointments Secretariat, because they provide us with that biographical information and of course they provide us with the contact information and how to reach those people.

Only the intended appointee may be called as a witness. So it's only that person whom you are interviewing. Then, at the conclusion of that meeting, the committee will vote and decide whether to concur in that appointment.

You've already seen an example of the vote. Normally, the Chair will ask for a motion and one of the members will move that concurrence be given for this particular appointment. The Chair will ask, "Is there any debate?" and then there could be debate and it's usually done on a rotational basis. That debate can last as long as you wish.

Then we'll ask for a vote and it's generally conducted by a show of hands. If, however, when the Chair says he's going to put the question, one of the members asks for a recorded vote, there will be a recorded vote, which we have also had an example of today, whereby the Chair will then put the question and ask for all in favour. As the clerk, I will announce the names so they're read into the record, and it's a permanent public record of who votes in which way. You may abstain if you wish, but any hand that's raised will be recorded as for or against.

Those appointments concurred in are reported to the House that same afternoon and the report is deemed to be adopted by the House. At that point, if the appointment has been concurred in, the Public Appointments Secretariat can proceed with the actual appointment. For those people who have not been selected from a certificate, once we advise the Public Appointments Secretariat that they have not been selected, they also then can proceed with that appointment.

There are certain deadlines we have to pay attention to. In the oversight role, we are not trying to hinder in any way the appointments that are taking place, so if a report has not been made on a selected person within 30 days, that person is deemed to have been concurred in. The committee can, by unanimous consent, defer any of those deadlines. So you'll find that with the 30 days, if somebody isn't available to come when they are—

Ms Smith: Chair, I really appreciate that the clerk is doing this for us, especially the new members, but I was wondering if we could adjourn the committee and do this as an information session. I have another meeting that I need to attend. I was wondering if I could move adjournment of the committee at this point and we could just continue on with the clerk as an information session.

The Chair: All those in favour of adjourning the committee? OK, then, we'll continue as an information session for members.

Ms Smith: Thank you very much. Thank you, Ms Stokes.

The committee adjourned at 1107.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Monday 1 March 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Lundi 1er mars 2004

The committee met at 1105 in room 151.

Clerk of the Committee (Ms Anne Stokes): Good morning, everyone. In the absence of our Chair and our Vice-Chair, it is my duty to ask for nominations for an Acting Chair. Are there any nominations?

Mr Michael Gravelle (Thunder Bay-Superior North): I'd like to nominate Lorenzo Berardinetti to chair this meeting.

Clerk of the Committee: Are there any other nominations?

Mr John O'Toole (Durham): I nominate Joe Tascona.

Clerk of the Committee: Any further nominations? There being no further nominations, I will put the question on the first name that was proposed. If there is a majority of members to elect that person, then the acting position will be filled. So I would like to ask for agreement on the nomination of Mr Berardinetti as Acting Chair. Opposed? It's carried.

Mr Berardinetti, would you like to come forward?

Mr Gilles Bisson (Timmins-James Bay): I have a point of order, when we get the Chair back.

The Acting Chair (Mr Lorenzo Berardinetti): Good morning. Was there a point of order?

Mr Bisson: No, it's OK. I got what I needed.

The Acting Chair: I'd like to call the meeting to order. Our first order of business is the report of the subcommittee.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): Mr Chair, if I could, there are a couple of pieces of business I want to deal with before we get to that. The first is, as you know, this committee reviews all appointments that are greater than a year. There have been two interim appointments, one to the Ontario Municipal Board and the Assessment Review Board that was made, I believe, in November of last year; and just recently, Tim Reid was appointed chair of the Ontario Lottery and Gaming Corp, another interim appointment.

As none of these appointments is going through this committee at this stage, the rules in the standing orders require that they go through this committee on reappointment. I just want to, for the record, put this to you, as Chairman: Will this committee be able to review these two particular appointments when they're reappointed?

The Acting Chair: I have just been advised by the clerk that this standing committee does not review reappointments.

Mr Tascona: So what has happened here is that since they have been interim-appointed, which is one year less a day, and the rules don't allow this committee to review somebody, to interview them in that situation, and also on a reappointment, we're not going to be able to, as a committee, interview the new chairman of the Ontario Municipal Board and Assessment Review Board and now the new chair of the Ontario Lottery and Gaming Corp. Is that it, for the record?

The Acting Chair: That's my understanding, correct.

Mr Tascona: I want to say, on behalf of the opposition, that is not acceptable and I want to relay that message to the Premier, that that should not be the way this committee functions. If we're going to have a democratic deficit in this Legislature, we just started with two major appointments that will not go through this committee because of using the standing rules. That is something that I would like to have changed to make sure that any appointment goes through this committee and not through the back door and we're not going to be able to review those types of appointments. I hope that will stop now, and in the future we'll be able to review every appointment that's put through by the Premier through order in council.

SUBCOMMITTEE REPORTS

The Acting Chair: Our first order of business is the report of the subcommittee on committee business dated February 12, 2004. Do I have a motion to adopt?

Mr Tascona: I have an amendment to that one. From what I understand on that, I just want to put forth an amendment, because there was an order in council for the Ontario Securities Commission, Susan Wolburgh Jenah. In that circumstance, because of what's happened with Mr Sorbara and with respect to the Ontario Securities Commission and a company that he was involved with, and the fact that he did not relay that information to the Premier when he first became aware of it in December but relayed that information to him last Wednesday, we didn't have any knowledge that there was anything that could have involved the Ontario Securities Commission.

I'm not taking anything away on the face of Ms Jenah's qualifications, but I do take exception to the fact that now we're in a position that there is something surrounding the Ontario Securities Commission. I would put forth a motion to amend the report of the subcommittee,

that the official opposition party would like to interview Susan Wolburgh Jenah, because I think it's important and relevant at this stage with respect to the Ontario Securities Commission, seeing what's happened with Mr Sorbara and his lack of communication with the Premier.

The Acting Chair: There's a point of order here from Mr Gravelle, and then we'll go to Mr Bisson.

Mr Gravelle: On a point of order, Mr Chair: I don't know how you can amend a subcommittee report that already is in place. This is the report. You can't amend, after the fact, a subcommittee report that did not include that as part of its report.

1110

Mr Tascona: No, that's not my understanding of the rules.

The Acting Chair: My understanding is that we've followed the standing orders up to this point. What is before us is a subcommittee report.

Mr Tascona: I'm asking for an amendment.

Mr Gravelle: I don't see how you can amend a report that has gone forward. The meeting took place and—

Mr Tascona: It has not gone forward.

Mr Bisson: Mr Chairman, on a point of order: We can do anything by way of unanimous consent here in the committee. I would move for unanimous consent in order to amend the subcommittee report.

Mr Tascona: We want to add Ms Jenah to be a person selected by the official opposition party to interview. That's our request, that's our amendment, and we would seek unanimous consent.

The Acting Chair: OK, you have put your motion forward. Is there any more discussion on that?

Mr Gravelle: It seems to me that's a separate item. We're dealing with a subcommittee report that took place and recommendations were made or not made. This is the report of that particular subcommittee. Whatever else Mr Tascona wants to do is a separate item, it seems to me, as opposed to being part of that report. Is that not true, Clerk?

Clerk of the Committee: The subcommittee report has not been adopted by the committee as yet.

Mr Gravelle: So we can still debate it?

Clerk of the Committee: It is debatable and amendable.

Mr O'Toole: That clarifies it for me. It comes back from the subcommittee to the committee to be debated and potentially amended.

The Acting Chair: We have a motion moved by Mr Tascona. I guess you require unanimous consent here.

Mr Tascona: That's what I understand from the clerk and from Mr Bisson, and I accept that.

The Acting Chair: Do we have unanimous consent? I heard some noes on the right here.

Mr Tascona: Recorded vote.

The Acting Chair: I've been advised by the clerk there is no vote on unanimous consent.

Is there a motion to adopt the report?

Mr Tascona: Recorded vote.

The Acting Chair: We can record this vote.

Ayes

Gravelle, Mossop, Parsons, Qaadri, Smith, Zimmer.

Nays

Bisson, Scott, Tascona.

The Acting Chair: The motion is carried.

The second report is dated February 19—Mr Bisson?

Mr Bisson: I was going to say this a little bit earlier, Chair. I just wanted you to understand why I voted in opposition to your particular nomination to that position. I haven't got a problem with you personally. My problem, just so you and members of this committee know, is that this committee is normally chaired by an opposition member. It is the oversight committee that oversees all appointments the government makes. When David Peterson set up this committee some years ago and when Bob Rae was Premier, when Mike Harris was Premier, when Ernie Eves was Premier, it was always chaired by an opposition member so that we can give a sense to the public that there is no ability for the government to utilize its majority and utilize the Chair to get what it wants. I just want to put on the record that I really don't like the idea of this committee going forward having a government member chair it. What we're doing is overseeing the appointments of the government when it comes to committees. I just want to put on the record that it's not in opposition to you as a member—I'm sure you do fine work and you're an honourable member—but I don't like the process. This should be, for the record, a committee chaired by the opposition, and in this case it should be the Conservatives.

The Acting Chair: Thank you.

We have the report of the subcommittee dated Thursday, February 19, 2004. Is there any discussion? Is there a motion to adopt? Mr Gravelle? Thank you. All those in favour? All those opposed? The motion is carried.

I'm advised there is a third subcommittee report dated February 26, which was handed out, I believe, today. It basically provides for the intended appointees.

Mr Tascona: Can I just ask a question to the clerk, through you, Mr Chair? For February 20, 2004, certificates that were received, were there any from the Ontario Securities Commission?

Clerk of the Committee: I can check the certificate. No, there was not.

The Acting Chair: Do we have a motion to adopt the February 26 report? Mr Gravelle? Thank you. Any discussion? All those in favour? Opposed? That carries.

INTENDED APPOINTMENTS

JAN CARR

Review of intended appointment, selected by third party: Jan Carr, intended appointee as member and vice-chair, Ontario Energy Board.

The Acting Chair: Now we can move on to the appointments review. First is Jan Carr, intended appointee as member and vice-chair, Ontario Energy Board. You may come forward, Mr Carr. As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there are questions from members of the committee. We will be commencing those questions with the opposition party first, then rotating to the third party and then over to the government party. Welcome, and if you want to, you can make an opening statement.

Mr Jan Carr: I do have a few words, if I may. I'll read them for you.

First of all, thank you again for the opportunity to outline my experience with regard to the OEB appointment that you're considering. My credentials are those of an engineer who has spent his entire professional career in the energy industry. I believe you have my resumé before you, and you therefore know that I am not bringing specialized knowledge in the work of an economic regulatory agency, which is what the OEB is. My understanding in applying for this appointment is that I will be contributing as part of a team of varied skills and experience. My understanding is that it is the collective responsibility of that team at the Ontario Energy Board to ensure that the users of electricity and gas in Ontario are served in a way that is fair and sustainable.

As I mentioned, my formal education is in the engineering discipline, and that education culminated in specialization in electrical power engineering. From university I joined the Saskatchewan Power Corp in Regina, which at the time provided both electricity and natural gas service to the entire province of Saskatchewan. I then established an independent consulting business which completed a large number of technical research and development projects in the area of electricity distribution and utilization for the Canadian Electricity Association in Montreal.

A few years later, I joined one of Canada's largest and longest-established engineering companies, Acres International of Niagara Falls. There I became vice-president of electric power systems and over a period of many years have been responsible for planning, design and construction of electric power facilities throughout the world. Most recently, I have been managing director of Barker, Dunn and Rossi, a partnership which straddles the US border and advises electricity sector clients throughout North America and around the world on business and strategic planning, mergers and acquisitions, and policy and regulatory affairs. My resumé lists many of the specific assignments and projects I have worked on, and of course I would be happy to go into more detail if you wish.

This is how I put bread on my family's table, but I believe equally important to your consideration of my appointment to the OEB is the experience I have gained from what amounts to a parallel career. This began in earnest with my running in the municipal elections and getting elected as a commissioner of Niagara-on-the-Lake Hydro, the electric utility owned by and serving the town of Niagara-on-the-Lake. I was re-elected two times and became chairman of the commission, a position from which I resigned when I moved with my job to Toronto.

I served on the board of directors of the provincial Municipal Electric Association and was also chair of the Niagara region utilities caucus within the association. I was appointed as a member to the government's advisory committee on competition in Ontario's electricity sector. That is better known as the Macdonald committee, because it was chaired by the Honourable Donald Macdonald. Since that time, I've had a keen interest in the restructuring of Ontario's electricity sector.

I have served on the board of directors of both a publicly traded independent generation company and a company which manages the investment of public sector pension funds in electric transmission systems as well as other regulated infrastructure assets. Most recently, I chaired the Toronto Board of Trade's electricity task force, advocating for the interests of some 9,000 member businesses, most of them small businesses with less than a dozen employees.

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I hope you will see in this experience the potential for my making, through the OEB, a useful contribution to the betterment of electricity and gas services to the general public and businesses of Ontario. I offer a strong understanding of the technical, business, financial and customer service aspects of the electricity industry. This understanding has been gained from more than 30 years of first-hand involvement in all aspects of the industry. That involvement has been from a wide range of perspectives, including those of utility employee, publicly elected commissioner, private sector board member, stakeholder advocate and professional business adviser.

I look forward to your favourable consideration of my appointment to the OEB and I'd like to thank you for this opportunity to present my credentials.

The Acting Chair: We'll now move to the official opposition to ask questions for 10 minutes.

Mr Tascona: Welcome, Mr Carr. In the intended appointment of vice-chair, I want to refer to a Toronto Star article of February 14, 2004, where you were interviewed. You indicated that you're going to be resigning your post as managing director of the consulting firm Barker, Dunn and Rossi. Is that correct?

Mr Carr: Yes.

Mr Tascona: What will your relationship be with that firm when you're on the Ontario Energy Board?

Mr Carr: I will have no relationship with the firm. I'm presently a part owner of the firm and a partner in the firm. I'm completely selling my shares and interest and everything else in the firm.

Mr Tascona: So you will be totally not part of that firm?

Mr Carr: That's right.

Mr Tascona: You're also quoted in the article as saying that many firms that appear before the Ontario Energy Board are clients of Barker, Dunn and Rossi. You

are quoted as saying that for a period you'll "be barred from making decisions involving former clients." For what period would you be barred for that?

Mr Carr: I honestly don't know the answer to that, because I have not read the precise conflict-of-interest guidelines. I've only read a summary of them. My understanding is there's a blackout period of a year, but I'll obviously take guidance from the chair of the OEB on that matter.

Mr Tascona: That would mean you wouldn't be the vice-chair on hearings in front of your former clients for a year, if that's correct. Would that also involve full board discussions and discussions with other vice-chairs on hearings that you do not chair? Do you know that?

Mr Carr: I don't know for certain, but as I say, I would take guidance form the chair of the OEB on that. What you're suggesting sounds appropriate.

Mr Tascona: Mr Chair, through you to the clerk, is there any way we could get information from the Ontario Energy Board in terms of what period a person would be recused from appearing in front of their former clients? Because not only Mr Carr but the other two people who are appearing before us are active consultants in the energy field. Can we obtain that information?

Clerk of the Committee: The committee is free to ask for information.

Mr Tascona: I would like to ask for that information if we could get that.

The Acting Chair: Can we do that at the end of the question period here?

Mr Tascona: OK, if we can put that on the record.

The Acting Chair: We'll put that on the record and we'll deal with it after we finish the question period.

Mr Tascona: I just have one further question. You're also quoted in the article as saying that the Ontario Energy Board will be "a little more proactive—raising issues and initiating hearings." What do you mean by that?

Mr Carr: I guess that was a very specific statement picked up by the reporter, but the general context of it was that one of the observations I have, not just with respect to Ontario but because I have been involved in a number of other jurisdictions that have restructured electricity systems, is that obviously restructuring requires certain entities, certain agencies and the utilities themselves to change their modus operandi. Often forgotten in that is the need for the regulator to also adopt a different approach to the processes that they use and so on. It's not a relinquishment of what they traditionally have done, but there are additional responsibilities. It's just basically a broadening of the scope of interest.

Mr Tascona: You said "raising issues and initiating hearings." Is there any specific area that you think they should be doing?

Mr Carr: Basically, consumer protection is probably the area that most often gets overlooked. I mean "consumer" in the broadest sense, including some of the larger consumers: industrials, small businesses and so on.

Mr Tascona: How did you become aware of this appointment?

Mr Carr: Actually, I was approached by the chair.

Mr Tascona: Of the Ontario Energy Board?

Mr Carr: Yes.

Mr Tascona: Being who?

Mr Carr: Howard Wetston.

Mr Tascona: I have no further questions.

Mr O'Toole: Thank you very much, Mr Carr. I read with a great deal of respect your presentation and your resumé. Certainly, that leads to the questioning basically that Mr Tascona was following up on. Being in an important position like vice-chair, the sort of blackout period by the conflict rules would leave you rather in limbo. Don't you think it would be appropriate to be a director in a general sense before moving to vice-chair? I'm asking that as a question.

Mr Carr: My understanding is, the only distinction between a vice-chair of the board as contrasted to a board member is nothing more than being part of the team that guides, if you like, the internal operation of the Ontario Energy Board. My understanding of it is it does not involve any distinction with regard to interface with the outside world compared to a board member. The chair, of course, enjoys a different relationship.

Mr O'Toole: I have a great deal of respect for Howard Wetston as well, having come from the OSC, the Ontario Securities Commission, as a regulator in that climate and with no prior direct relationships with potential persons who may be coming to the Ontario Energy Board. I just feel that—no reflection on your quality or background at all, except that in this role—what does the role pay as the vice-chair? You're resigning a fairly significant directorship in which you have a major interest. What does the job pay?

Mr Carr: My understanding is $300,000 a year.

Mr O'Toole: Three hundred thousand dollars. Now, you're going to be basically in limbo for a year, technically, because any of the discussions—having served in public office, elected office, I might say, in those roles there are conflict guidelines as well. So in a general sense you'd be quite familiar, not specifically to the OEB, but most of these are relationship issues with respect to either financing or rate hearings or other considerations that are very much related to return on investment, technically, and what does the application stand for, what are the drivers that this rate application is about?

Mr Carr: My understanding is that we're talking about blackout periods that involve specific clients who have been clients, in my case, of Barker, Dunn and Rossi recently. That does not represent anything like the majority of participants in the Ontario electricity and natural gas industry.

Mr O'Toole: So you would be resigning yourself to no contact with clients for a year, clients that you historically had relationships with?

Mr Carr: That's correct. That's my understanding. As I say, I have not read the conflict-of-interest guidelines of the Ontario Energy Board in detail. I have dis-

cussed those, obviously, at a general level with the chairman, and my understanding is that he is the one who satisfies himself, as chair, that everything is order.

Mr O'Toole: I'm just going to respond to a couple of other areas, if I may, time permitting. One is the work you did with the Macdonald commission, as it is referred to. That certainly was a tidemark within the current climate we find ourselves in. I think it was a commendable report. I'm quite familiar with it, certainly as a reader, not as an author like yourself. Do you think they identified the structural deficiencies in the old Ontario Hydro system—that is, the generator, transmitter, distributor? Do you think their work is respected and, going forward, is the right decision?

Mr Carr: I think the times have changed, so I would be surprised if the Macdonald committee, reconstituted, would come up with exactly the same recommendations it did. At the time, I believe they were the correct recommendations.

Mr O'Toole: In that respect, one of their major headlines from that was the amount of stranded debt, once they did the capital actuarial calculation and then looked at the inability of the existing capital infrastructure to support the debt load. Do you think their definition of stranded debt was correct?

Mr Carr: I don't recall the stranded debt.

Mr O'Toole: About $20 billion.

Mr Carr: No, sorry, I mean I don't recall the definition of stranded debt precisely. But a lot of that has to do with how the spinoff or the successor companies are valued, because really, what it is, is the total debt less the commercial debt taken by the successor companies. At the time of the Macdonald committee report, there was no formal valuation done of Ontario Hydro. That occurred subsequently.

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Mr O'Toole: That's not my understanding, but I wouldn't like to confront you with that. It's my understanding they did identify that this amount of capital supports this amount of revenue, and this is the debt it can support. One of the important decisions you're going to have to make is, what's the residual effect of the electricity financing authority? That's the new line that's been set up in the budget, public accounts. The revenue projected on that on the 0.7 cents, which is the debt retirement piece, is a significant increase in the overall price of electricity. It's probably in the order of 20%, just that one piece alone. At 0.7 cents of a rate that's four cents, it's significant.

Mr Carr: Sure.

Mr O'Toole: I don't think people even understood that. I don't think as government we communicated it that well. So I do believe it is a go-forward issue, even more so when this current government is going to devalue those assets, ie, the coal generation, which is about 20% of generation. To just wipe that out, that's virtually a difficult choice—sustainable forms, etc. What's your view in terms of the go-forward policy position of the government on the abandoning of coal by 2007?

Mr Carr: First of all, as you correctly say, that is a matter of government policy and it's not therefore something that the OEB will be involved with. It will take direction from the government on that. But I am on record as saying that the policy of phasing out coal on a very short time scale is going to present a challenge.

Mr O'Toole: We also changed legislatively—at least, it's my understanding—and strengthened the role of the Ontario Energy Board. Going forward, the Ontario Energy Board—as you say, the regulator—will have a much more important role in the setting and maintaining of rates, and also investors in the market. Some of the new rates that are going to come into effect March 1—the local electricity distribution companies are going to add 9% to their rate as of, I believe, March 1. Is that not correct?

Mr Carr: I don't believe so. To be honest with you, I don't know the details of this, but certainly some changes are going to occur March 1. My understanding is, it was primarily related to the electricity commodity as contrasted some of the other things.

Mr O'Toole: That's April 1. On April 1, their new rates click in from 4.3 to 4.5. I guess my question is—

The Acting Chair: Mr O'Toole, before you go on any further, we've gone past the 10 minutes for the official opposition. If you can wrap up very quickly.

Mr O'Toole: I'll just wrap up by asking one further question, and I mean this respectfully. Do you believe that the Ontario Energy Board should have a much stronger position in the marketplace going forward, or should the IMO have a different role?

Mr Carr: I think the first question is, is the marketplace going forward? This is a matter of government policy.

Insofar as there is, the Ontario Energy Board's role is to ensure that the public interest is being appropriately served by the structure, and if that includes a market, then it would include some involvement in the market. But I don't think it would be appropriate under any policy that I've thought of that the Ontario Energy Board become a market operator or a participant in the market or anything like that. It's an oversight responsibility, as I say, from the perspective of ensuring the public good is met.

The Acting Chair: We'll move on down to the third party for questions.

Mr Howard Hampton (Kenora-Rainy River): Yes, I do have some questions for Mr Carr, and I must say, I'm quite interested in your answers.

Your application states that you worked on Ontario's electricity industry restructuring that led to the opening of the market. Do you feel that the restructuring and market opening was a success?

Mr Carr: The restructuring and market opening a success? I think it's clearly not a success, by the situation that we're presently in. Let me leave it at that.

Mr Hampton: On November 16, 2002, after the former government put a rate cap in place, you told the National Report, referring to the open market, "I think

it's a good system. I still believe in it." Is that your position today?

Mr Carr: Yes. I think markets are competition. Competition is the result of providing choices to both suppliers and consumers, which is a flexible way of ensuring that users of electricity—we're talking of electricity here, but it applies equally to gas—have the advantages that can be offered through new technology. The technology isn't just supply technology; it's also conservation and load management and things like that. So I do believe it is. Having said that, clearly, the particular structure that we have has some flat spots, to put it mildly.

Mr Hampton: In conclusion, I can state, then, that your continued position is that you believe in the open market.

Mr Carr: I believe that markets can play a useful role.

Mr Hampton: You were critical of the rate cap that the former government put in place. I was critical of it too. In fact, I voted against it because I believed it was completely phony. It was an attempt to hide the issue until after the election. Now we've seen the rate cap that was put in place by the former government replaced by another rate cap put in place by the new government. Are you equally critical of that rate cap?

Mr Carr: No, I'm not. I think the present government in fact handled it very correctly. The problem with a rate freeze—I guess we have no disagreement on that; there's a problem with it—is if you simply unfreeze the rates, you have to have some other mechanism setting prices. I think it is that mechanism of setting prices that is absolutely important to get right. You cannot get that right in a matter of weeks. It's going to take some considerable time to arrange an appropriate method for setting prices. In the interim, the government merely changed the frozen price in the direction closer to what the real price is. In that regard, I think it was a very positive move.

Mr Hampton: So, you see the Liberal rate cap as permitting the move back to open markets, then?

Mr Carr: Not necessarily. It's buying time while reducing the degree of subsidy that is being provided by taxpayers to electricity users.

Mr Hampton: So, from your point of view, because there will be a lower subsidy, it is better than a rate cap which necessitated a higher subsidy.

Mr Carr: Exactly.

Mr Hampton: So you are, in principle, still opposed to rate caps. It's just that this is a lesser evil than the earlier one.

Mr Carr: Exactly.

Mr Hampton: On September 13, 2003, you told the Toronto Star, "I find both the Liberal and Conservative policies lacking.... They don't have a consistent set of principles. In fact, they don't have principles." That was September 13. Since you are now going to be appointed to the board by the government—it would seem—can you tell me what the new-found principles are?

Mr Carr: The debate that was reported by the Star—I say "debate," because it was obviously a discussion with a reporter involved—was as much around, "When is a policy not a policy, and when is a policy just a collection of ideas?" The point I was making was that there were collections of ideas out there, but they weren't necessarily, even internally, self-consistent, and therefore it could not be called a comprehensive policy.

I think the government, as I see it, is in the process of putting some structure in place, of getting internal consistency among the ideas. But I don't see, in my opinion, that that has happened yet.

Mr Hampton: In the same article, the Star reports that you are skeptical about the Liberal plans for a phase-out of coal-fired plants in 2007. Can you tell us why?

Mr Carr: As I mentioned earlier, I think it's a very ambitious timetable physically.

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Mr Hampton: You also said, "To replace that much generation in that short a time, people should be digging holes right now. That isn't happening. There isn't even a plan for it."

This sounds almost scary. On the one hand the government says it has a policy to close the coal-fired stations by 2007. You are going to be one of the leading people now—I assume, if your nomination proceeds—on the regulator. Is that still your opinion? Government policy says to close the coal-fired stations by 2007, and you're saying that nothing is happening that will enable that to occur?

Mr Carr: Since that statement, things have happened. The government has in fact set a process in motion. It's still a challenge. I forget the date of that particular statement, but at the particular time there was no activity. Subsequently there has been activity started.

Mr Hampton: You opposed the investigation into cost overruns at Pickering, something which has now been disclosed as being certainly in excess of $1 billion; some would say that, going forward, it may be in excess of $2 billion. Can you tell me why? You're going to be at the energy board. It would seem to me that this was a pretty big issue. Why would you be opposed to an investigation where there seemed to be not just negligence but there may have been malfeasance; there may have been misuse of public money?

Mr Carr: I honestly don't recall being opposed. If you have the quote, I'd appreciate it.

Mr Hampton: This is what you said, I believe—Jan Carr, Canadian Press, November 14, 2002: "By holding an inquiry, you're essentially distracting the attention of management and the other people who are involved with the actual work." That was the quote from Canadian Press.

Mr Carr: The context being not so much holding an inquiry but holding an inquiry at that particular point in time. What date was it again?

Mr Hampton: The quote I'm given here is the end of 2002.

Mr Carr: At that time we were desperately short of the Pickering unit coming on line. My thought was that rather than hold an inquiry about the costs, get the thing

on line. That was what was required at that time. That's the context of that.

Mr Hampton: So you would not have held the Pickering inquiry?

Mr Carr: No, I didn't say that. It's an issue of timing. That was not the appropriate time to distract the team that was trying to put the generator back on line with an inquiry. Let them get the unit on line, perhaps, and then hold an inquiry, which is in fact I guess what's happened.

Mr Hampton: The Premier has said that he wants a mix of private and public systems. So as I understand it, there will be some public provision of power, there will be some private long-term contracts—or least this is the latest scheme—and there will be some market.

I just want to read one of your quotes. You said this in the National Post on November 18, 2002: "You need one thing or another. You either need a vertically integrated, tightly regulated monopoly system or you need a very competitive, very open market-driven system. But we were sort of dithering around with something that was trying to be halfway between the two, and that does not work."

The Acting Chair: Just before that's answered, Mr Hampton, we're about nine minutes into your questioning, so there's about a minute left.

Mr Hampton: It seems to me that if I take your comments and I now listen to the new government where, even more than the former government, they want public, some market and some long-term contract not necessarily open to the market, it seems to me that there's more dithering or there is more trying to have it both ways.

Mr Carr: I think there is in fact a change. The change is that the policy in September 2002 was absolutely that we have a market. That's what the legislation said; that was the structure that existed. But in point of fact, we did not have any competition because of a number of factors. Therefore, we were relying solely on a market structure without in fact giving it effect. That was the dithering.

The situation at the moment is that the market is clearly not performing, in the sense that needed new investment in generation is not happening. Therefore, non-market-related intervention is absolutely necessary. You're reading a thing which was, what, a year and a half ago? Things have changed since then.

Mr Hampton: One of the remarkable things in public life is that you're responsible for everything you've said and everything you've written.

Mr Carr: Oh, yes. I guess all I'm really saying is that certainly the context has changed. It is an enormous challenge to have both a market system and a non-market system operating together in a synergistic fashion. I still would say that.

Mr Hampton: I guess my ultimate question would be, how do you effectively regulate when you have both a non-market and a market system and, as you say, they don't work? You're the regulator.

Mr Carr: It's a challenge, indeed. Anything is possible, but it is a challenge. This is where we're at. We have challenges regardless of which way we tackle it.

The Acting Chair: We'll move on now to the government members. We have five minutes, because five minutes were used up by the initial presentation. So we have approximately five minutes of questions.

Mr Shafiq Qaadri (Etobicoke North): Mr Chair, first of all, thank you very much for this opportunity to welcome Dr Carr to this committee. Before I begin, I'd like to actually compliment the leader of the third party for wishing to assume responsibility for all past statements and actions. We'll hopefully hold him to that, with regard to the previous third party governments in this province.

Dr Carr, I think this committee is very privileged to have an individual of your calibre and capability. Just a quick perusal of your own resumé and curriculum vitae shows us that you've had vast academic, practical, business, industry experience, even extending to governance.

What I was interested in asking is, with this global exposure that you detail here, I'm sure there must have been situations—for example, in the west coast of the United States—which were very similar or analogous to what's going on in Ontario today. I was wondering if you might share with us some lessons that you might be able to project on how some of the issues played out on the ground there, for example, with regard to challenged power supply, the mixing and matching of generation, transmission and distribution and the purchasing of excess power.

Mr Carr: Yes. One of the challenges there always is in these things is the transferral of knowledge from one jurisdiction to another, because the context varies, as you can appreciate. What works there doesn't always work here, and vice versa.

If you retreat to a high enough level, you can draw some useful conclusions for Ontario. Among others is stability of policy. It is critically important, in an industry which has a very long time frame in terms of its business cycle, that policy be stable. That is where your confidence comes from. It is confidence of those who are investing in new generation. It is confidence of the users of electricity who are building businesses or making decisions about where to locate businesses, if they can have that confidence. That's but one example—as I say, a pretty high-level one.

Ms Monique Smith (Nipissing): Thank you, Mr Carr, for being here with us today.

I just had a question. Over the last 20-some years, you've had a lot of experience as a public policy consultant. I'm sure in that role you've played the stakeholder advocate, and probably before this board, if not involved in preparing presentations for the board, but advocating in front of the board. I wonder why, at this time, you'd like to actually be on the board.

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Mr Carr: Actually, I have never appeared before the Ontario Energy Board, just as a small point. I believe that

one of the problems we've had—and again, back to the previous question about the lessons that can be learned—is that all of these restructuring efforts are built from the top down; they all start with a supply problem or pricing in the wholesale market, and they spend an inordinate amount of time with wholesale issues. In point of fact, the purpose of all these structures is to serve customers, to serve the users of electricity, and the Ontario Energy Board's fundamental mandate is basically the betterment of electricity and gas service in the public interest, as I said in my introductory comments. I think one of the attractions to me is the opportunity to participate in building the thing from the bottom up rather than the top down, making sure this whole structure responds to what the users of energy want, rather than what the supply industry thinks it would like to have.

The Acting Chair: Ms Mossop? We have just two minutes left.

Ms Jennifer F. Mossop (Stoney Creek): OK, then I'll make my question short so that your answer can be a bit longer. You've mentioned the need for policy stability, which is pretty tricky when you're dealing with politicians. The winds of politics have been battering hydro for quite some time. I was wondering if you could expand a bit on the goals you have in this role and for the role of the OEB going forward.

Mr Carr: I believe that, clearly, government sets policy and, clearly, the OEB, among many other agencies, follows government policy. So, in anything I say I don't mean to imply that the OEB should be taking a hand in guiding the policy. But I do believe there's an appropriate division of responsibilities. The energy industry is a very intricate industry, and I think putting the fine detail on what amounts to implementation of government policy is a role the Ontario Energy Board, among other public sector agencies, can make a valuable contribution to. I guess, broadly speaking, that is one of the goals I would have personally.

Ms Mossop: Should government—

The Acting Chair: I'm going to have to cut that off. We've run out our 10 minutes there.

Thank you, Mr Carr, for your presentation and answering questions.

Mr Bisson: On a point of order, Mr Chair: I think there are a number of other questions I'd like to ask, because I thought the answers we got through all three parties raise a whole bunch of other questions, and I'm wondering if the committee would like to extend the amount of time we have with this gentleman before the committee.

The Acting Chair: We would need unanimous consent on that.

Interjections.

The Acting Chair: No.

Mr Bisson: Then I want to invoke under rule 106(e)(8) that we delay this appointment for further consideration next time we meet and that we call this gentleman back.

The Acting Chair: I understand you can defer for a maximum of seven days.

Mr Bisson: That's right. We can come back later or we can do it now.

The Acting Chair: So you're putting forward the motion to invoke that section?

Mr Tascona: Recorded vote.

Mr Bisson: No, no. The standing order is pretty clear. I will just read, the standing order says under 106(e)(8), "At the conclusion of the meeting held to review an intended appointment, the committee shall determine whether or not it concurs in the intended appointment. Any member may request that the committee defer its determination to the next meeting of the committee, but in any event no later than seven calendar days."

The Acting Chair: Can we continue with the other—

Mr Bisson: Yeah, sure, we can deal with this later.

The Acting Chair: OK. We'll put this down and then consider it later.

Thank you, Mr Carr.

Mr Bisson: I'm just trying to help. He turned real quickly on the Conservatives; I want to protect the Liberals that he doesn't turn on you as fast.

I'm just trying to help, Monique.

Ms Smith: You're so helpful, Gilles.

The Acting Chair: Thank you.

ERMA BLANCHE COLLINS

Review of intended appointment, selected by official opposition party: Erma Blanche Collins, intended appointee as member, Education Relations Commission.

The Acting Chair: Erma Blanche Collins is the intended appointee as member of the Education Relations Commission. I would like to call her to come forward now.

Again, I will make the same statement I made earlier, which is that you have an opportunity, should you choose so, to make an initial statement. Subsequent to that, there are questions from members of the committee. We will be commencing questions with questions from the official opposition and go in rotation with 10 minutes each allocated to the other parties. We started our last interview with the official opposition, so we'll start this one with the third party, then go to the government party, and end up with the official opposition.

Good morning, and welcome.

Ms Erma Blanche Collins: Thank you, Mr Chairman. Mr Chairman and members of the committee, I appreciate the privilege of appearing before you.

My basic qualification for appointment to the Education Relations Commission is the fact that I spent 38 years of my working life in the education sector, in the elementary, high school and college levels, and as teacher and administrator.

I cannot pretend to be up to speed on the Colleges Collective Bargaining Act, the Education Act or the Labour Relations Act at this point. However, the greater part of my adult life has consisted of simultaneously

holding down a full-time job while volunteering or studying for a master's degree, or writing a textbook at one point. That kind of workload has necessitated my being organized, disciplined and focused. These attributes mean that I can readily learn what I need to learn.

Re conflict resolution experience, during my 32 years at George Brown College I was quite frequently asked to participate on student appeal committees because I was widely regarded as fair and unbiased. From my last set of student evaluations, here are two quotes supporting the attribute of fairness: "Ms Collins is very capable and she was the best teacher we had. She went beyond the call of duty to make sure we all had a fair chance of passing this course." The second: "On a scale of 1 to 10, I would definitely give this teacher a 10 because she was fair in the way she marked our tests, and she gave people a second chance."

In addition to the fact that you know my academic credentials, two quotations from performance evaluations done at the end of my first year of chairing a department at George Brown College will further illustrate my overall abilities. A professor wrote: "Given the fact that Erma had much to learn in a short period of time, she has coped admirably. In addition to her ability to deal with events in a calm and efficient manner, her special talent lies in the way in which she deals with people. She is always able to make her position clear while taking the viewpoints of others into consideration; she can make an unexciting option agreeable by exercising her sense of humour; and she can be reassuring when necessary. In short, she is using her capabilities to expertly fulfill the demands of her position." My boss wrote: "Organizationally very efficient and responds extremely well to the many conflicting demands placed upon her."

My resumé lists 15 awards and recognitions. My unsolicited nominators, mostly from the volunteer sector, usually cited my commitment and the excellent quality of my work.

To summarize, I believe that I am educated and experienced in the field of education, and that I have a number of transferable skills that would enable me to make a worthwhile contribution. As well, I am always willing to learn.

The Acting Chair: Thank you for those comments. We'll begin our questioning with the third party.

Mr Bisson: Thank you very much for coming before our committee. I don't have a huge objection over your appointment. I guess I've got a couple of questions. The first question is, why this committee? Why would you be interested in this particular commission in regard to teachers' bargaining? Is there a particular interest?

Ms Collins: Actually, I have always sought opportunities to widen my volunteer commitments. As you can see, there are pages on my resumé of volunteer things, and I sent in a resumé in Peterson's time, and Bob Rae's.

Mr Bisson: But this particular committee.

Ms Collins: Because I am educated, because I have a background in education. I actually said that I would be willing to serve on any commission that deals with community services or education services, including this one.

Mr Bisson: So not specifically this one. You wanted something in education. How did you finally get contacted, that you were selected for this particular commission?

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Ms Collins: The public appointments office contacted me.

Mr Bisson: Were you a bit surprised it was this one? Were you looking for something different?

Ms Collins: I wasn't surprised, no. I think I'm qualified.

Mr Bisson: No, that's not my argument. I'm just wondering where it comes from. You say in your comments that you've had a lot of experience at George Brown—I'm the father of a daughter who went to George Brown, a good college; she did a nursing program there—and that you were seen as somebody who was fair and unbiased. Obviously, that's the crux of this commission. What's your particular view on the right of teachers to strike?

Ms Collins: I believe that most workers have the right to strike or should have the right to strike; not because a strike is a good thing, because I have been on both sides of a strike situation when I was at George Brown. In 1985, I was a teacher, and in 1989, I was an administrator. I don't think either teachers, administrators or, most of all, students like strikes, but I think if a worker believes he or she has a bargaining chip, that makes the worker a little more empowered. Quite often, teachers are not really willing to use this strike thing, but I just feel that if they are not empowered, knowing that they have this chip, they will take it out on the students, work to rule, and the students are the losers in the long run.

Mr Bisson: So you don't oppose the right of teachers to go on strike?

Ms Collins: No.

Mr Bisson: Because I think that would be pretty fundamental to this. I just wanted to make sure. Just for the record, I agree with you. I think not only teachers but most people see a strike as a last resort when they're not able to get somewhere. Let's hope that's always the case.

I didn't get a chance to look in detail at your resumé, but I noticed as I went through it that you have some managerial experience and you've done some bargaining. Did you do any bargaining from the union side as well?

Ms Collins: No, I was not on the bargaining committee. Usually it's the union and OPSEU that do the bargaining.

Mr Bisson: I understood that you were, when I was looking at this quickly. Are you somewhat current on what the bargaining process is for teachers in this province?

Ms Collins: That I know, yes.

Mr Bisson: As far as that particular process, are you fairly comfortable with the current mandate of the ERC in regard to what its role is vis-à-vis the decisions it has

to make around teachers and the right to strike or length of strike?

Ms Collins: Yes.

Mr Bisson: All right, I guess that's it. I've got no questions. She's fine. It makes it by me.

The Acting Chair: We'll move on now to the government party for approximately five minutes, because she did use up five minutes in her initial presentation. Are there any questions from the government side?

Mr Gravelle: We'll waive our time.

The Acting Chair: OK, we'll move on to the official opposition.

Ms Laurie Scott (Haliburton-Victoria-Brock): Thank you for appearing here today. I'm going to reapproach this subject again. I couldn't help but notice on the application that it was completed on February 9, and then a few short days after your appointment it received cabinet approval and your name was brought to our committee. That's a very quick turnaround. Could you go over how you became aware of the position again, please?

Ms Collins: I was not aware of a position.

Ms Scott: The application.

Ms Collins: No, I was not aware of a particular position. I sent in an application to the public appointments committee.

Ms Scott: So you've been looking for a while?

Ms Collins: Yes.

Ms Scott: OK. How did you become aware of this vacancy on this board?

Ms Collins: I wasn't aware of a vacancy.

Ms Scott: How did you become aware to send it to the public appointments committee?

Ms Collins: That I've known for ages, as I said, because I've always been sending in my resumés.

Ms Scott: So you've been ongoing in the searching?

Ms Collins: I also went on the Net and just looked around again and sent it in.

Ms Scott: Well, thank you for your interest and participating.

The job requirement does have a lot to do with the field of labour relations, conflict resolution, labour law and dispute resolution, and they're perceived to be fair and unbiased. I'm not doubting your ability at all—your resumé is quite good, and I appreciate your involvement for a long time in education—but I don't find anything really in particular with the labour relations and the conflict resolution and the labour law or dispute resolution. Do you feel you have the qualities? Do you believe you can fulfill the responsibilities as a member of this board?

Ms Collins: Yes. I think the commission is a team and I imagine there are others who would have had that experience. My strength is on the education side, knowing what goes on in colleges, what goes on in school boards, and of course, as I indicated, I can learn quickly. I am retired. I have the time. So, yes, I think I could be brought up to speed.

Ms Scott: So you are retired now?

Ms Collins: Yes.

Ms Scott: Are you aware of how much this position pays?

Ms Collins: What I noticed on the Web is that there is a per diem, and that one meets as needed. So I'm sure I'm not in it for the money. I have a decent pension.

Ms Scott: You have a pension? Good.

Mr Bisson: That's a bit of a sore spot around here.

Ms Scott: Yes. On your strike position, you felt that teachers have the right to strike. Do you have any comment on the upcoming possible college teachers' strike?

Ms Collins: I think I should decline to answer that one, because I've studied both positions, from the OPSEU side and the council side, but I don't think I should comment on that.

The Acting Chair: I think we should stay away from answering that question at this point, because the strike vote has been taken on that one and we're waiting.

Ms Collins: I was just saying in general that people should have that option. I wasn't saying that right now I support or don't support the strike.

Ms Scott: OK. The last couple of questions are for me, and then I'll pass it over to my colleague. Are you a member of a political party?

Ms Collins: I am.

Ms Scott: What political party would that be?

Ms Collins: The Liberal Party.

Ms Scott: Have you ever donated money to any political party or candidate?

Ms Collins: I donate both to the federal Liberal Party and the provincial Liberal Party. If it's somebody I like, I have donated to the Conservative Party and the NDP.

Mr Bisson: Thank you for including us. We need it.

Ms Collins: I actually even campaigned for Zanana Akande when she was a candidate, although I was a card-carrying Liberal.

Mr Bisson: It's not too late for you to reform.

Ms Scott: I'm going to pass it on.

Mr Tascona: The scope of the commission's activities was narrowed to advising cabinet on when a labour dispute jeopardizes the school year. As you know, we had quite the strike in Toronto last year or the year before, I believe, with respect to the Catholic school system. Do you have any thoughts with respect to a specific time frame when a strike or a lockout would jeopardize a school year? Have you ever thought about that?

Ms Collins: Yes, but I think that would be in the same category as whether I should say that I want the teachers to go on strike or not go on strike now. I think, even though you are thinking of the school boards, it's the same category because—

Mr Tascona: Well, it's not, because you're not covered under the colleges. This has nothing to do with that. Your appointment doesn't affect that. The commission's role is to advise cabinet on when a labour dispute jeopardizes the school year. That applies to the school board. Have you ever thought about that in the past, in terms of saying, "Well, they're a little slow on the draw there," or "Maybe they should be a little quicker on the draw," in

terms of ending a dispute? Have you ever thought about that?

Ms Collins: I know the schools have a different semester in length than the colleges. I know that in the schools, if students miss 20 days—I think that is still the situation—they wouldn't get the credit for the course; 20 days was considered the amount not to miss. I think that worked for a while and that seems reasonable, but it could be revisited.

Mr Tascona: If you think it should be revisited, where would you think it should be revisited to?

Ms Collins: I would have to hear the opinions of everybody on the committee before—

Mr Tascona: You haven't formed one yet, but right now you're in favour of the status quo of 20 days?

Ms Collins: It works.

Mr O'Toole: I'm also quite interested. Your position, if you were to acquire this, would not apply to the college situation today. I'm getting an inordinate number of letters, e-mails and faxes from students who at this time of the year, with only a few months left in the actual post-secondary year, are very concerned.

My question to you is: For years it has been such—certainly the last 20 or so years in the college and probably permanently in the elementary and secondary level, where you would have a role—why can't the contracts end at the end of June and the negotiations occur during the summer so the students aren't used as hostages? I know they need to have bargaining chips. Police, nurses and other public sector people do not have the right to strike. I have two questions. First, do you favour the continuance of the right to strike? Second, are you disposed to consider changing the negotiating term from after school is finished until September 1?

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Ms Collins: I think I said earlier that I think people should have the right to strike.

Mr O'Toole: They would still have it. My question is not that.

Ms Collins: As to changing the period during which the two parties should negotiate, quite often—for example, the college process started in early 2003 and they still haven't completed the process yet. So I'm not sure that changing it to start at a particular time would necessarily get the desired end that you indicated. I think somehow people would have to be brought onside. I'm not sure they would want that, because I think they want some leverage. I'm saying that just putting it in legislation would not necessarily mean that the desired end would be reached.

Mr O'Toole: My question is in even more detail. I wonder if you're flexible enough, with your many years in education, to find ways to change the current system, which I think is only going to escalate, regardless of whose government, in terms of people wanting more. About 82% of the cost of education in post-secondary and in elementary-secondary is wages and benefits. I'm not sure if that should be changed or how it could be changed in the world of e-learning, the world of distributive learning. What's your position in terms of being flexible enough to consider new ways of providing instruction time for students? Are you amenable to that at all?

Ms Collins: I'm amenable to anything that would work to reduce the cost, because I know the pie is limited. I know that health care takes up the bigger part of the pie, followed by education. Governments are not always willing to raise taxes. Perhaps if we could raise more revenues, then we wouldn't have to be thinking of conserving how we spend money. So I guess I am flexible to look at all the ways the problem could be fixed.

The Acting Chair: That uses up the 10 minutes. Thank you, Ms Collins, for your presentation.

Ms Collins: Thank you.

CYNTHIA CHAPLIN

Review of intended appointment, selected by third party: Cynthia Chaplin, intended appointee as member, Ontario Energy Board.

The Acting Chair: We will continue now with our next appointment review. I would like to call Cynthia Chaplin, intended appointee as member, Ontario Energy Board. You may come forward. Good afternoon. I'll make the same statement I made earlier. As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there are questions from members of the committee. We'll be commencing those questions with the government party this time and then rotating to the official opposition and then the third party, allowing 10 minutes for each. Any time you take on your statement will be deducted from the government party questioning. Welcome.

Ms Cynthia Chaplin: Thank you very much, Mr Chairman and members of the committee. I do have a brief statement.

I am pleased to appear before you today as a candidate for appointment to the Ontario Energy Board. As you may have had the opportunity to learn from my CV, I have over 18 years' experience as an economist in the gas and power industry. I have worked in the public sector and the private sector, both here in Canada and in the United Kingdom. I believe I offer a range of expertise to the Ontario Energy Board, particularly in the areas of regulation, regulatory processes and energy market reform, but also in the areas of economic and policy analysis and environmental policy related to energy.

A brief review of my experience will, I believe, demonstrate my qualifications for appointment to the OEB. After completing my master's degree in economics at the University of Toronto, I worked in the area of natural gas policy at the Alberta Department of Energy. My introduction to the gas industry took place at the same time that natural gas prices were first deregulated. I later moved back to Ontario and took up a position at the Ontario Energy Board in 1987.

I remained at the board for eight years, and served in a variety of progressively more senior roles, primarily as

part of the technical staff, which at that time had a public interest advocacy mandate. I led multi-disciplinary teams in a wide variety of proceedings related to gas distribution rates, DSM policy, gas facilities and Ontario Hydro.

In 1995 I had the opportunity to take up a similar role at the gas regulator in the United Kingdom, then known as the Office of Gas Supply or Ofgas. I specialized in the regulation and restructuring of gas transportation, storage and connections.

In 1997 I moved to the private sector, joining Amoco, which became BP Amoco in 1999 following its merger. I managed the regulatory function for BP Amoco's European gas and power business. My focus was on advocating effective incentive regulation and market reform for gas and power both in the UK and in Europe. I also had the opportunity to work as a senior environmental analyst, providing policy advice and expertise on the key environmental and energy policy initiatives in the UK and Europe.

Since returning to Canada in 2001, I have worked part-time as a consultant, providing research, policy analysis and strategic support to organizations such as the Ontario Energy Board, the Canadian Gas Association and Natural Resources Canada.

This is a critical time for the energy industry in Ontario. Energy issues are at the forefront of the government's policy agenda. It is the responsibility of the Ontario Energy Board to make the best decisions possible as an independent economic regulator—decisions which often balance competing interests but which further the OEB's legislated objectives and the interests of the people of Ontario. A position on the Ontario Energy Board would present me with a significant challenge—a challenge for which I believe I am qualified, and a challenge which I would take on with enthusiasm.

I would now be pleased to answer any questions you have.

The Acting Chair: Thank you. We'll begin with the government. Are there any questions? Dr Qaadri.

Mr Qaadri: First of all, thank you, Ms Chaplin, for appearing before this committee. I think just a quick read through your CV is very impressive—the breadth of your experience on multiple borders. I was interested in particular in your experience in the environmental sector in terms of preserving the environment and protecting future green space. I noticed, for example, you had some experience in Oxford, England. I was wondering what sort of sensitivities somebody of your experience would bring to the energy sector with regard to preservation and protection of the environment.

Ms Chaplin: Perhaps to clarify, I believe the reference you made to my CV was to some training I did on environmental policy analysis that took place at Oxford. That was not related to green spaces; that is not an area in which I have expertise or any particular knowledge.

Mr Qaadri: I was wondering if you might be able to expand about your experience within the environmental sector vis-à-vis energy.

Ms Chaplin: When I took on the position as senior environmental analyst for BP Amoco, environmental issues were at the forefront of both the UK's energy policy and also European energy policy. They were looking at a number of initiatives—for example, renewables obligations, which are legislated targets to reach particular levels of renewable energy supply within a certain period of time. I worked to assist BP Amoco in a strategic fashion to envisage how they could adapt and grow their business in a way that would be in accordance with those types of policies.

Ms Mossop: I'm going to refer back to the conversation we were having with Mr Carr as well, but I'm wondering if you have any specific goals for the OEB and what you see its role is in protecting the consumer—you made remarks about that—and the future direction of the OEB in terms of the energy sector in general. You must have some opinions about where you would like to see the energy sector going in terms of consumer protection.

1220

Ms Chaplin: Yes, as I referred to in my opening statement, most of my time spent at the Ontario Energy Board was in the technical staff group, which at that time had a public interest advocacy mandate, so we took part in hearings and took positions which we felt were in the public interest.

Going into the board as a board member, I think the board has an ambitious set of objectives in the legislation. I think they're very important objectives. In a general sense, I think it will be key for the board to help facilitate the development of effective competitive markets. Clearly there is a great deal of work to be done on the electricity side, and there are probably innovations and improvements that can be made on the natural gas side as well.

Ms Mossop: Touching back on some of the other issues, how do you see us going forward with market sectors as well as still being a public sector operation?

Ms Chaplin: I feel that the restructuring of an electricity sector is an evolutionary process. These are fundamental changes in industry structure that cannot take place overnight smoothly. Therefore, there may well be scope and a place for certain transitional measures, and that may be appropriate. To some extent those are decisions that I feel are for government policy. It would be my role as a board member to ensure that the decisions that would be within my purview met the objectives that are set out in the OEB's legislation.

Ms Mossop: Do you have any specific thoughts with regard to the powers the OEB should have in protecting the consumer and perhaps even keeping an eye on government policy to make sure it does not batter the industry with its winds of change?

Ms Chaplin: Clearly, one of the board's primary objectives is to protect consumer interests. I think it has a variety of tools already at its disposal to do that. It may be that it needs more resources to do some of those things. I know from my experience in working at the

regulator in the UK that with the market opening, customer complaints and customer-type issues—from small customers but also from large customers—are a very important aspect of the overall role of the regulator. It's important for the regulator to be responsive to those concerns which are raised. From my understanding of the OEB's legislation, it certainly has adequate tools, I believe, to address those issues.

The Acting Chair: Ms Smith, you had a question? We have a couple of minutes and then we have to rotate.

Ms Smith: Thank you, Ms Chaplin, for coming. You spoke briefly about your role at the Ontario Energy Board when you were on staff, but I note as well that you've done some consulting over the last couple of years. Could you just outline for us a bit your role in consulting with the OEB for the last couple of years?

Ms Chaplin: Sure. I've done what I would consider three smallish research projects for the Ontario Energy Board. I did a discussion paper for board staff on issues related to bypass. Bypass is when, for example, a large gas customer, instead of taking service from Enbridge or Union, builds a pipeline directly to TCPL. I did a discussion paper for them on some of the issues around that.

I did a small piece of research looking at other jurisdictions and how they deal with facilitating connections of small generation to distribution systems on the electricity side.

I also helped them do a bit of a staff brainstorming and discussion paper on how the board might further the objectives of promoting energy conservation, energy efficiency and load management, not looking at the DSM side but looking at their licensing, code and rule-making practices to determine if there was scope there to perhaps change the way those were done to further their objectives.

The Acting Chair: We'll move on now to the official opposition.

Mr Tascona: Ms Chaplin, I want to thank you for coming before the committee today. Can you tell me if you're going to be appointed as a full-time member?

Ms Chaplin: Yes, I am.

Mr Tascona: Can you tell me what the compensation is for a full-time member?

Ms Chaplin: When I had my initial discussions with Howard Wetston, the chairman of the OEB, he informed me that the civil service pay was, I believe, somewhere in the range of $80,000, but that that was going to be reviewed. I am not aware, actually, at this point, what the proposed pay is.

Mr Tascona: You're currently, as I read in the Toronto Star on February 14, 2004, a self-employed consultant providing research, economic and policy analysis and strategic support on emerging Canadian and international energy issues. Is that correct?

Ms Chaplin: Yes, that's correct.

Mr Tascona: Do you have any clients who appear before the Ontario Energy Board?

Ms Chaplin: Yes, I do. As I mentioned in my opening statement, one of my clients over about the last year and a half has been the Canadian Gas Association. Their main members are the local gas distribution companies in Canada, two of which, Union Gas and Enbridge, do appear before the board.

Mr Tascona: Are you intending to continue to practise as a consultant if you're appointed?

Ms Chaplin: No, not at all.

Mr Tascona: So how would you deal with any of your clients appearing before you at the Ontario Energy Board?

Ms Chaplin: I have fully disclosed my relationship with the Canadian Gas Association to the chairman of the OEB, and if it's felt appropriate, I would certainly not sit on those matters if it was perceived that that was a conflict.

Mr Tascona: Wouldn't you think that's a conflict for you to be in a hearing listening to a former client's application?

Ms Chaplin: Yes, I can certainly understand how that would be perceived as a conflict. I guess I would contrast my year and a half with them as one of several clients with the eight years I spent as a public interest advocate at the board and with the four years I spent with BP Amoco, in a sense advocating on behalf of the users of regulated systems. So I feel I've actually had a broad perspective.

Mr Tascona: We haven't seen the conflict-of-interest guidelines. Were you informed that you would have to disclose all your clients to the Ontario Energy Board?

Ms Chaplin: Yes, and I have.

Mr Tascona: With respect to the board itself, do you think that they should be proactive in dealing with different issues, and if so, what kind of issues?

Ms Chaplin: Certainly I believe that if the board has some views on how some issues might be resolved, then I think it's perfectly appropriate for it to seek views on those and to consult on those. I don't think it's always necessary for the board to wait for a problem to come to it. The board has market surveillance capabilities and broad powers of investigation, and I feel that sometimes it may be appropriate to use those.

Mr Tascona: Do you have any ideas on when it would be appropriate to use those? You have a lot of knowledge in this area. There must be some areas that you think should be dealt with.

Ms Chaplin: That may be, but having not been inside the OEB, I'm not aware of what activities may be going on. So based on my knowledge as sort of an observer of the industry currently, I don't have a particular position on what area might require them to be proactive, as opposed to looking at things—

Mr Tascona: No, but what about personally? You have a lot of expertise in this area.

Ms Chaplin: No, as I say, I don't think I have a preconceived notion as to where the board should be proactive, as opposed to responding to issues in what might be considered the more traditional regulatory sense of responding to applications.

Mr Tascona: Do you not think that the board should maybe be a little more proactive in protecting consumers' rights with respect to gas companies?

Ms Chaplin: I believe the board, in the course of its regulation of the gas companies, certainly has been protecting customer interests in terms of regulating their rates. I'm not sure if there's something particular you had in mind.

Mr Tascona: My view on it is that the gas companies have been looking for any way to find a way to increase what they are paid, be it through usage or be it through capital. They've made applications over the years to expand that mandate with respect to increasing the cost that consumers pay. Do you share that view, or do you not share that view?

Ms Chaplin: I don't necessarily share that view. I would say that there is a process in place, if they are applying for an increase in their rates, for either costs or capital projects. There is a process in place for those requests or those applications to be tested.

Mr Tascona: I know there's a process, but do you think those processes are something that protect the consumer or do you think those processes are something that don't protect the consumer?

Ms Chaplin: I think those processes can be used to protect the consumer. There may well be improvements that could be made in those processes in terms of trying to make the process more streamlined and perhaps more effective for customer interests in the long run.

Mr Tascona: Do you want to share with us your thoughts on what improvements would be made?

1230

Ms Chaplin: Certainly one of the processes that began when I was at the board, and that I know they still use, is something that's called the alternate dispute resolution process, which attempts to resolve issues outside of the formal hearing context. I have not been involved in that process recently, but from what I hear from other people in the industry whom I speak to, there is the feeling that improvements could be made in that process. I have heard from people views as to how they believe it could be improved. I have not dealt with that particular aspect myself, so I don't feel that I have a particular view at this time as to how that could be improved, but I believe that is an area that is probably open to improvement.

Ms Scott: Thank you for appearing here today. I represent a predominantly large rural community—Haliburton-Victoria-Brock is the riding—and we have part of the Canadian Shield in our riding. I have a large number of seniors, people on fixed incomes, a lot of farms. We don't have a lot of alternatives other than electricity, and people have really seen a significant increase in electricity bills even with the price cap. You're charged, the energy board, with developing a pricing mechanism for the future. I'm a little worried. The board membership is predominantly urban and the appointees today are all from Toronto, I believe. I just wondered, what will you do to ensure the pricing solution developed by the energy board is something that will work for all Ontario communities, not just the urban centres? I'm asking you specifically for rural.

Ms Chaplin: Clearly it will be one of the board's key activities to examine what the pricing mechanism should be, and while I believe there are particular fundamental principles that should be adhered to in terms that the price should be reflecting cost, there are some key factors that also need to be taken into account. One of those, for example, is the pricing structure in terms of what price signals that may provide to people in terms of providing incentives for energy conservation and energy efficiency. There is also the issue of timing of any price changes, because that obviously has an impact on stability and predictability, which are key customer concerns. One of the overarching principles is enunciated in the board's objectives, which is to protect consumer interests.

So I feel that in the process of developing that pricing mechanism the board will need to consult with stakeholders. My understanding is that there are representatives of consumer interests. I'm not aware if there are representatives particularly focused on rural consumers, but I know there are those who represent the interests of small consumers, and I think it will be important for the board to understand their perspective directly from them and take that into account when coming to its decision.

Ms Scott: Thank you. I appreciate that. When you look at the board and consider the real issues, are consumers represented enough on the Ontario Energy Board? I know there is some corporate representation, but consumers, especially rural, certainly have to have a voice there, and I appreciate what you said about consulting with stakeholders.

Ms Chaplin: Clearly I am a consumer. I'm not a rural consumer, but I think the board has resources available to ensure that it is fully informed as to the impacts on all types of customers, rural and otherwise.

Ms Scott: You've represented a lot of corporations, so you have more of a corporate background as opposed to a consumer background.

Ms Chaplin: That is probably the perspective if you look at my immediate employments past. However, I guess I would reiterate again, when I worked at the OEB we acted as advocates for the public interest, and largely because other aspects of the public interest in terms of large users of gas often had their own representation, we usually sought to represent those who were otherwise not represented, which primarily meant representing the interests of small consumers.

The Acting Chair: The opposition has about two minutes left. I think Mr O'Toole had a question.

Mr O'Toole: Thank you for a very relevant resumé in terms of this industry. I just have two or three very quick questions in the short time that's been allowed here for me. I'm quite interested in a quick response on the experience you had in Great Britain with Ofgas, I guess it was; off-shore gas, I gather, or whatever the acronym was. They deregulated their marketplace over there for the energy package, as I understand it. Would you assess

it? Not just the gas part, but in a general sense. Has it been successful?

Ms Chaplin: It has been successful in the UK. It had its growing pains, and there were difficult issues that arose that had to be dealt with. But at the end of the day consumers today enjoy lower prices, both for gas and electricity, than they did before the exercise was begun.

Mr O'Toole: One thing: I hope you're familiar with the work done by the select committee on alternative fuel sources—I'd be happy to give you a copy of that—because they talked about looking forward to some of the policy discussions. It was an all-party committee and a unanimously adopted report. One thing they had was the renewable portfolio standards. What percentage of new sources of generation coming on the grid do you think would be, in any probability, from renewable portfolio areas of generation?

Ms Chaplin: I know that the current government has set a target of 5% by 2007. I know also that, as part of the tendering process, they are seeking new supplies of renewables in a fairly short time.

Mr O'Toole: That's good.

The Acting Chair: We've used up the time there. One last question?

Mr O'Toole: I'm going to be quick as I can here with the time left. It sounds like you're an advocacy type for consumers—at least that's what your resumé says and what your response has been today. I hear a lot from consumers in terror right now as they're looking at the local distribution companies harvesting a 9% return on their investment. That's starting today, I believe. Then in April they're looking for another small increase, but it's still about a 10% increase, when you move the rate from 4.3 cents to 5, because that translates into consumption.

Yet at the same time I have people on fixed incomes. These are, much like Ms Scott's area, kind of rural, farm, a stable income, maybe flat or lower-income, like agriculture. What would you do when it comes to shutting the power off? I don't think there is any price elasticity in the consumer side of this whole equation. They have no choice. It's priced inelastically. You've got to have the product. It's not like the price is going to get me to cut below 1,000 kilowatt hours. What position would you take when it comes to turning off someone's meter?

Ms Chaplin: I know the board has a role in terms of looking at the codes of practice for the local distribution companies. I would feel that there would be a number of factors that need to be taken into account. Clearly if consumers are needing assistance, there are a variety of ways to assist them in potentially reducing their load. I think one of the potential benefits of competition is trying to bring forth innovation, so that those who feel that now they can't control their energy consumption will have greater control over their energy.

The Acting Chair: Thank you very much. We've gone well past the 10 minutes there. I will now move on to the third party for questions.

Mr Bisson: First of all, let me say, an interesting CV. You've certainly come with a wealth of experience in mostly the gas industry. I guess that's my first question. We understand that the OEB deals with both gas and hydro, but you have some experience on the electricity side. Do you feel well-rounded enough to be dealing with the various mandates of the OEB, as far as energy sectors?

Ms Chaplin: Yes, I do. What you've said is correct: The majority of my experience has been specifically on the gas industry side, although I have also had exposure to the electricity industry side. I feel that the technical aspects of the industries are different, but the underlying principles, in terms of how they should be regulated, I believe are the same. There is a lot of consistency that could be applied to both.

Mr Bisson: When did you apply for this particular appointment?

Ms Chaplin: I met with the chairman of the OEB shortly after he took up his post, so that was probably July of last year.

Mr Bisson: July 2003.

Ms Chaplin: Yes.

Mr Bisson: So you were recruited by the chair?

Ms Chaplin: Originally, in the course of my consulting work, I met with Peter Budd, who was an energy lawyer. I was speaking to him about work, and he asked me whether or not I would be interested in considering an appointment at the OEB. I indicated to him that I was, and my understanding is that he passed my CV on to Howard Wetston, who, as I've just explained, I subsequently met with.

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Mr Bisson: I don't know what to think of that. It's just a little bit bizarre in that way. Anyway, that's for another domain, not for here.

When were you contacted that you had actually been selected? Was there any contact between last July and whenever that date was? In other words, what was your next contact after July of that year?

Ms Chaplin: After meeting with the chairman of the OEB, he said to me that he was going to put my name forward to the Minister of Energy. At the time, it was John Baird. I then also met with him, and his office indicated to me that they would be putting my name forward for appointment. Subsequently, there was an election called so therefore my appointment was not made.

After the change of government, I spoke periodically to Howard Wetston to inquire as to the status of the appointment. He said, "We don't know. We'll have to wait and see." Then I was actually phoned, I guess it was several weeks ago now. It was a few days after the cabinet meeting when in fact they had nominated me.

Mr Bisson: So you were originally nominated by the Conservative government but now you're being appointed by the Liberals. Do you find that a little bit surprising?

Ms Chaplin: No, because I actually believe I was appointed on my merits, not because I have any party membership or any party affiliation.

Mr Bisson: First of all, I haven't got a problem with somebody having a party affiliation. I hope they do. In fact, many people of different stripes have sat on the OEB. That's not my point. My point is, were you a bit surprised to be appointed finally by the Liberals, considering you were put forward by the Tories? It's just a little bit of an odd process.

Ms Chaplin: My understanding was I was put forward because the chairman of the OEB was recommending me. He continued to recommend me to the new government, and I believe they were in accordance.

Mr Bisson: So you weren't surprised?

Ms Chaplin: No.

Mr Bisson: OK, that's all the question I was looking for. My time, my questions, that's fine. We'll talk later. We have a meeting, remember?

I'm getting to the age where I have to wear my glasses to see my own handwriting. This is getting pretty bad. I guess where I want to go with this thing is that, as I look at your particular resumé, you have some experience both on the public and private side, which I think is good—you're right; you do have credentials that come into this—and you have some electricity experience, mostly on the gas side. You left the Ontario Energy Board some years ago—I forget exactly when you were there—and you went off to the UK. Was that just an opportunity or did you leave for any particular reason when you originally left the energy board some years ago, in 1995?

Ms Chaplin: My attention was drawn to an advertisement that appeared in the Economist. The office of gas supply in the UK was looking for economists. I had been at the board for quite some time and—

Mr Bisson: That's post-deregulation in the UK?

Ms Chaplin: It was post-privatization. The structure for deregulation had been set up and they were in the process of implementing it.

Mr Bisson: Is there anything you learned there that you think is applicable back here as far as what you've seen, as far as their experiments with deregulation and privatization in the UK, as you move to this side again?

Ms Chaplin: Certainly. I feel whatever experience you have, you bring lessons from it. In the UK, I think it brought home the fact that the restructuring of an industry such as power, which has a very high public profile, is a very challenging activity. As I said before, it's something that happens in stages; it cannot happen immediately. And you cannot underestimate the importance of educating consumers so they understand what their choices are. Basically, you can't do too much of that. The regulator in Britain was very proactive in terms of customer education.

Mr Bisson: We heard earlier from Mr Carr, who's an appointee as the vice-chair. I'm just going to read the quote. He was basically saying that you couldn't do both at the same time. What he was saying is that you either need a virtually integrated, tightly regulated monopoly system or a very competitive model, and you can't have both. What's your view on that, on his particular position, if you know what I'm talking about here, or do I need to read the whole quote?

Ms Chaplin: You were quoting from a position that he explained some time in the past year, not quoting from what he said.

Mr Bisson: Yes, based on what he was quoted, and also from the questions that were posed by my leader in regard to trying to do both at the same time, which is pretty difficult. What's your view on that?

Ms Chaplin: Yes, I would agree, it is difficult to do both, but as I have learned from my experience in the UK and also from my experience in the gas industry here, when you are going through a fundamental restructuring, I think it's very important to articulate what your long-term vision is and the goal you are going toward. But you need to take steps to get there, and that may require a transition mechanism and transition-type structures to facilitate as smooth a change as possible.

Mr Bisson: Would you consider yourself a hawk when it comes to deregulation of the energy sector?

Ms Chaplin: I don't consider myself an ideologue. I consider myself pragmatic, but I do attempt to adhere to the principles of economic regulation.

Mr Bisson: A completely open market or a regulated open market?

Ms Chaplin: An open market in terms of providing consumers with a range of choices, of competitive suppliers, to meet their needs.

Mr Bisson: So you disfavour a publicly owned, publicly controlled system of electricity?

Ms Chaplin: Pardon me?

Mr Bisson: Do you disfavour the old Ontario Hydro model? Well, I think we all disapprove of the way Ontario Hydro used to run things. That's not so much the question. But do you disapprove—

Interjection.

Mr Bisson: Well, there were problems there. I think we can all agree.

Mr O'Toole: Maurice Strong started it.

Mr Bisson: It goes back before that, but that's for another debate at another time.

The Acting Chair: We're down to two minutes.

Mr Bisson: My question is, do you favour or disfavour a publicly owned utility when it comes to delivery of electricity in the province?

Ms Chaplin: I certainly believe there's a place for publicly owned utilities, particularly in markets that are just growing, just emerging. Once a market reaches a certain level of maturity, I believe there are significant benefits that can be had from trying to bring in competitive forces to the supply of electricity.

Mr Bisson: You are probably aware that the current practice of pricing natural gas is such that a gas company or utility is able to bring back the retroactive increases they would have incurred from the year before. How do you see that particular practice at the OEB? Is that something you favour or disfavour?

Ms Chaplin: My understanding is that the legislation has been changed to ensure that those accounts are

cleared more frequently. I think what's important is that the price that gas consumers pay for the commodity is the actual price. It's not something that the utilities make a profit on. There has to be some mechanism to ensure that the price that's built into rates is in fact the actual price that the utilities have to pay.

Mr Bisson: But that's not my question. My question is, how do you feel about the old retroactivity as far as the way they used to price out natural gas?

Ms Chaplin: Certainly lengthy periods of retroactivity I don't believe are in anyone's interest. However, a variance count will sometimes be positive and sometimes be negative.

The Acting Chair: There goes the time. Thank you, Ms Chaplin, for your presentation and answering the questions.

PAMELA NOWINA

Review of intended appointment, selected by the third party: Pamela Nowina, intended appointee as member, Ontario Energy Board.

The Acting Chair: We now move on to Ms Pamela Nowina, intended appointee as member of the Ontario Energy Board. You may come forward. As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there will be questions from members of the committee. Questions will be commencing from the official opposition. Then there will be a rotation after 10 minutes to the third party, and finally to the government to ask questions. Any time that's used up in your initial statement will be deducted from the government questions.

Ms Pamela Nowina: I do have a statement. Thank you very much.

First, thank you for the opportunity to discuss my nomination to be a member of the Ontario Energy Board. I couldn't be more pleased about the opportunity to serve Ontario in this position.

I'd like to give you just a little personal information about me. I have a bachelor of science degree in mathematics and computer science from the University of Windsor and an MBA from the University of Toronto. I'm sorry that Ms Scott isn't here because, although I've lived in Toronto for the last seven years and I love the city, my roots are in the small communities of southwestern Ontario where I have spent most of my life.

I have more than 24 years of experience in the regulated energy industry: 15 years in natural gas and the past nine years primarily as a consultant to the power industry. This experience has been in Ontario, Alberta, New Brunswick and the United States.

I see four key pillars to a successful power industry: adequate supply, affordability and reliability for consumers, a viable and efficient business market and leadership in conservation and environmental protection, all underpinned by consumer understanding and confidence. The first of these, supply, perhaps cannot be greatly influenced by the OEB. However, I believe the OEB is poised to make a significant contribution to the other three. Let me give some brief examples of how my experience could be of value in doing this.

Through my roles as a utility IT executive and consultant, I have come to understand, at a deep level, the processes that drive the industry. I understand and have advised clients on how to operate more efficiently and organize more effectively. You can be certain that, as an adjudicator, I will be watching for indications of effectiveness in these areas.

I have evaluated the customer service organizations at several utilities of various sizes and have advised on possible outsourcing, divestiture and optimization of these business units while helping clients understand the potential impact on customer service and employee relations. I would feel well qualified to assess, as a board member, applications for changes in this area. I also can see where performance-based rate-making can work to effect positive change.

I understand how the restructured power market works. I was responsible for the PricewaterhouseCoopers consulting team that assisted the OEB in its role to prepare local distribution companies, retailers and other market participants for a competitive market. Our work was broad and deep in its scope. I worked directly with and facilitated the market-ready taskforce. The efforts of the OEB, the task force members and our consulting team resulted in well-tested market processes that worked smoothly at market opening—price aside—without many of the errors that frustrated consumers in other markets endured. During this assignment, I came to know the market and the market players very well, I came to understand the difference in challenges between the largest and smallest companies, and I came to understand the criticality of clear consumer communication. I believe that the skills demonstrated in this assignment will be useful in working with other stakeholder consultations, which are critical for the OEB to fulfill its mandate.

I cannot claim any expertise in conservation and environmental protection, other than experience in demand-side management in the natural gas industry. However, I have a strong belief in these principles and am well-informed as to the issues. I hope that my detailed understanding of distributors in particular will help as the OEB and others focus on demand management.

Most of my experience in natural gas has been as an employee of Union Gas; it ranged from IT management, to field management, to strategic planning. The power and gas industries are becoming more and more linked. I look forward to being involved in the regulation of both.

If appointed, I look forward to being a strong, fair and well-informed adjudicator. I consider it a privilege to use my experience and capabilities as a member of the board at this important time for Ontario. Thank you for allowing me to make this statement. I welcome your questions.

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The Acting Chair: Thank you. We'll begin our questioning with the official opposition.

Mr Tascona: I want to thank you for coming before the committee today. I just want to find out a few things from you. In the Toronto Star article dated February 14, 2004, it's quoted that you're an information technology executive and currently a partner in IBM Business Consulting Services. Is that correct?

Ms Nowina: That's correct.

Mr Tascona: This is a full-time member position. Do you know what you are going to be paid?

Ms Nowina: I had a similar discussion to the one that Cynthia had with Mr Wetston. He said that the current remuneration was around $80,000. Honestly, he said to me that he was hoping it would be something like double that. That's the only discussion I've had; nothing concrete.

Mr Tascona: Were you in the same discussion with Ms Chaplin when you were told that?

Ms Nowina: No. They were two different conversations.

Mr Tascona: So your experience in consulting has been with corporate clients.

Ms Nowina: Yes.

Mr Tascona: I guess what we have today are three individuals with corporate backgrounds who are going to be appointed to the Ontario Energy Board and not any from a consumer background. That's just a commentary. I'll continue with my questions. Are you going to continue in your—is it a consulting practice? Are you going to continue as an executive with IBM?

Ms Nowina: No, I am not. I actually took what is, in effect, an early retirement package with IBM on October 1, 2003. As part of that obligation I'm supposed to work 25% of my time for them for one year. However, they have waived that requirement as of March 15, if I should get this appointment, so no, I will not be working for them any longer.

Mr Tascona: But are you going to be working in any other capacity as an independent consultant?

Ms Nowina: No, I will not be.

Mr Tascona: Are you aware of the conflict-of-interest guidelines?

Ms Nowina: Yes, I read that carefully.

Mr Tascona: What do they say? We don't know.

Ms Nowina: Essentially, as a consultant—it names other positions, but the consultant was the one that applied to me—any clients I consulted with who would be before the board in a hearing setting, if I had consulted with them in the previous year, I could not be involved with that hearing. For me in particular, that means I have two clients—Hydro Ottawa is one—that, given the year's time frame, I won't be able to be in a hearing where they are a participant until October 2004, and London Hydro, whom I just finished an assignment with, I won't be able to be in a hearing where they are a participant until approximately a year from now.

Mr Tascona: Mr Carr was quite open with the Toronto Star when he was quoted as saying, "The board is likely to play a more activist role as Ontario reshapes its electricity system and energy markets in the next few years." Do you share those thoughts?

Ms Nowina: I share the fact that I think they're going to be more active and more proactive, yes.

Mr Tascona: How is that?

Ms Nowina: I think the mandate of the role is now a very strong one. Because of the work they do, the experience they have, the ability to do research and consultation with the public and the industry, I think they're in a very good position to be able to at least advise the government on issues in the industry and should take a proactive stance in that. For example, the board has just recently held a public consultation on further efficiencies in the distribution sector. There is nothing formal about that. They're not about to issue regulations on it, but they're going to be well informed as to those issues and could advise the government on policy around efficiency. I think efficiency, in distribution in particular, where I have a lot of knowledge, is really important to get the prices to the point that we want them to be and to assist consumers with prices. I think that's an important area where they can provide leadership.

Mr Tascona: I want to ask you a question, and it's my last question before I give it over to Mr O'Toole. From a pricing point of view, for example, in gas—because you've got experience in that area, especially with Union Gas—for a consumer who doesn't have any usage or very minimal usage at all during the summer period, yet the charges relate to the capital end and the distribution end, so you come in with a sizable bill anyway, do you think that's fair, where you don't even use the gas? Some people even shut it off during the winter because they don't want to use it. Is it fair that you get charged for the capital end and the distribution end even though you're not using it?

Ms Nowina: The distribution charges are based on usage—

Mr Tascona: I know that.

Ms Nowina: —so there is some percentage there. The industry has fixed costs that, if it has assets in a certain area, it has to recoup those costs somehow in order to stay viable. Is it fair? It's not like going to the gasoline station and filling up your car, and if you decide you don't want to take it out any more, you don't have to pay for it. There's an infrastructure. Maybe another example is that I'm about to install a dryer and I want to install a gas one. I have to pay the capital cost myself so this goes into my house because I want the gas dryer. The fact that I get that product means that I have to pay for the ability to get it.

I think if consumers understand it, it's fair. I think perhaps we've all failed in terms of consumers' education and them understanding the costs of their decisions.

Mr Tascona: Thank you for your answers. They've been very good.

Mr O'Toole: Thank you, Ms Nowina, for your presentation. Your background certainly is relevant. I have a couple of comments and then a question. You've mentioned, about supply, affordable and sustainable.

Safe, reliable and affordable power is kind of the thing. If you look at the history, this power-at-cost thing has been the biggest mystery ever. It has never been at cost—ever—right from Sir Adam Beck on. That's why we have the problem today of who is going to make the capital investment. But one of the things under supply, as I recall, is, there's a whole issue around supply adequacy. It's a big policy discussion. What would be the reserve capacity, in your view, for a 26,000-megawatt system?

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Ms Nowina: I'm sorry; I have no idea. That's not my field of expertise.

Mr O'Toole: About 5% or 10%?

Ms Nowina: I don't know.

Mr O'Toole: I think that's a question that the new generators, the suppliers of electrons in the future, will need to know, because who's going to own that reserve capacity is really the nub of the question. If it turns out to be in the order of 5,000 megawatts to 10,000 megawatts—each 5,000 megawatts represents about $10 billion of investment. Who should own that is a critical question going forward. Should it be owned by the government and just sit there as a stranded asset, technically, until somebody really needs that one millionth air conditioner on, that peak load? Really all it is for is peak load, technically.

You mentioned that you were part of the market-ready task force. You'd be familiar with the market design committee work before the market opening in May 2001, I guess it was?

Ms Nowina: Yes. The work that we did with the OEB actually reported into the market design committee.

Mr O'Toole: Yes, that was a complete failure technically, because they didn't look at the current state. Most of the generating capacity was in either idle mode or down mode, meaning Bruce and Pickering. I wouldn't give you very good marks for that—not personally; this is not personal. We were set up like a golf ball on a tee on that thing. There's no question about it. Whoever was on that committee should have another look at it, because we delayed the opening several times until—the best advice, I guess, was from members of that market-ready group.

One last thing you mentioned, in which I'm quite interested, is some of the policy discussions going forward. One is on renewable portfolio standards. The other is on the demand-side management discussion, the DSM discussion—an extremely important discussion. When we talk in very liberal terms—I mean that in the pure sense, not the impure sense—demand-side management to me is, what tools today does the consumer actually have?

The Acting Chair: I just want to advise that we're at the 10-minute mark, so I'll let her answer the question.

Mr O'Toole: This should only take me about five more minutes.

The Acting Chair: We've used up 10 minutes already.

Mr O'Toole: Pardon me, Chair. What tools does the consumer have when it comes to demand-side management?

Ms Nowina: I'll answer the question in a moment. I just wanted to clarify that our work with the Ontario Energy Board in preparation for market opening was just on the distribution side. It was preparing the transactions to flow. I had no involvement in assessing supply or future supply. I just wanted to clarify. That part went fairly well.

Tools for demand-side management for the average residential customer: almost none. It simply doesn't exist. It must exist. This is a personal belief. We have to find mechanisms to allow people to make choices in terms of their usage. We don't have those mechanisms yet.

Mr O'Toole: I would wonder how they could incent some of the tools, like interval or time-of-rate metering. Have you any suggestions?

Ms Nowina: I wondered that too, and I would be really interested in looking at that.

Mr O'Toole: That's a very important discussion.

Ms Nowina: It is.

Mr O'Toole: Good luck on your work and deliberations.

Ms Nowina: Thank you.

The Acting Chair: Thank you for your questions, Mr O'Toole. We'll now move on to the third party.

Mr Bisson: I thought that comment about being set up like a golf ball on a tee was just remarkable. I guess Mike set the ball and Ernie took the swing. I'm sorry; I couldn't let that one go.

Listen, normally I like just doing questions, but I couldn't help commenting on the other issue which was raised, that by giving consumers choice, we're able to provide them with a more adequate supply of electricity at a lower price. It's interesting to note that those places where we do have public systems offer electricity at a cheaper and more sustainable rate than most other places. It's a difference of opinion. You have your opinion; I've got mine. I think, in the end, we'll probably be proven right again.

You stated in your application that you worked on the Ontario electricity restructuring that led to the opening of the electricity market. Would you say that that was a successful operation?

Ms Nowina: Well, obviously the market wasn't successful when it opened. When you can't get the price at the right point and you can't get adequate supply, you don't have a successful market. The work, however, that the distributors—and my hat goes off to these 94 companies, some of them tiny, tiny companies, and the workers at those companies, who moved heaven and earth for two or three years to make all the systems and transactions work. They did a great job. That did work.

Mr Bisson: Tell that to consumers who paid two times and three times the price for electricity. I guess I go back to it: Do you feel that that whole experiment way back when was successful at the end of the day?

Ms Nowina: No.

Mr Bisson: On January 11, 2001, you spoke at an OEB task force meeting concerning market readiness. Now, you and the other participants of that meeting not only called for the market to open, but you called for it to open quickly, by the fall. At a later meeting, you called on the OEB to create a sense of urgency about opening the market. You wanted it open even before the Conservatives did. How do you feel about that, in retrospect, and what happened with electricity prices in this province?

Ms Nowina: The issue around urgency at that point was that the getting ready was being dragged out for so long that it was becoming extremely costly and very confusing for consumers. The retailers were out there and had been signing up people for years, for contracts that wouldn't take place for years ahead. That was why I personally had a sense of urgency. Again, in terms of supply, I wasn't privy to that information so I wasn't aware—

Mr Bisson: It was pretty public information, as far as supply.

Ms Nowina: The level of supply at that point was thought to be adequate, so I wasn't privy to that. But that was the sense of urgency that I was referring to.

Mr Bisson: I come from a constituency that has the largest utility users in the province, one of them being Falconbridge electricity. They have a smelter there. You'd be aware that that uses a lot of electricity. In fact, they're the number one customer for the former Ontario Hydro. When it comes to natural gas, pulp and paper plants along Highway 11 into my riding and others utilize natural gas to a large extent. I can tell you that when we experimented with the opening of the market, it almost closed them down.

What do you have to say to the thousands of workers who were affected and can be affected by way of market opening and deregulation? How do you defend that in light of what happened in the past?

Ms Nowina: Again, going back to the past, I think there's the whole issue of supply. Should we have opened when supply was a question? Probably not. That was a government policy and really it wasn't the role of either the regulator I was working with or the consultants we were working with. I understand the problem, but I wasn't involved in it.

I hope whoever is involved in the decision, going forward, is going to get the supply mix right. I think there's a lot of effort going on to make sure that happens.

Mr Bisson: How do you feel about the comments made earlier by the gentleman who is being appointed as vice-chair, that you can't have both at the same time, that you can't have a tightly integrated market opened the way the Tories did, neither can you do it the other way?

Ms Nowina: First, it's a government policy decision about whether or not they want the market to be all in one direction or the other, or a hybrid. My personal opinion is perhaps a little different than the others in that I believe in the efficiency of an open market. I think overall, ideologically, it may be a good thing. But there are so many other factors when you're looking at something like power, which is so critical to the public, that I think there needs to be a really good balance of strong regulation and protection and perhaps public ownership, and it will take years. I don't know if we'll ever get to a truly open market in this.

Mr Bisson: That's really where my next question is going, that at the end of the day electricity, and specifically electricity for the point of this question, is vital to industries operating in Ontario competitively. So I think you've answered the question I was going to go to.

How did you come to be interested in being appointed to this particular board? Can you walk us through?

Ms Nowina: Yes, sure. As you can see, I worked with the Ontario Energy Board.

Mr Bisson: No, the actual application process.

Ms Nowina: Yes, I'm getting to that. Because of that, I knew Jay Young, who was then the general manager of the Ontario Energy Board. I met with him to tell him about the changes that I was making at IBM, and while I was talking to him he let me know that the board was going through some significant changes, that there would be new appointments to the board. He suggested that I contact Howard Wetston if I was interested. It sounded very interesting. I was really interested in being a help at this time—

Mr Bisson: When was this, roughly?

Ms Nowina: Fall of that year, October. It was probably November by the time I met with Mr Wetston, and Mr Wetston suggested that I apply, which I did, through the Public Appointments Secretariat.

Mr Bisson: Are you surprised at the speed of the appointment?

Ms Nowina: No.

Mr Bisson: No? Because, I've been around here for a while, and sometimes these things do take time.

Ms Nowina: I don't have that context, so I was unable to be surprised.

Mr Bisson: How do you feel about the need to have consumer representatives on the board?

Ms Nowina: On the board?

Mr Bisson: This is a question I'll have to go to research on after, once we're done with your time. As far as members of the board, you've got lots of qualifications, you've worked in the industry; that's not the question here, but the importance of having a balance of people who are consumer representatives on the board versus people who come from the industry.

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Ms Nowina: I think consumer consultation advocacy is really important.

Mr Bisson: No, on the board. I'm talking about—

Ms Nowina: On the board, I honestly haven't given any thought and don't have an opinion off the cuff, I'm sorry.

Mr Bisson: Do you think maybe it's important?

Ms Nowina: I think it's really important to hear from consumers.

Mr Bisson: Because, at the end of the day, as we said earlier, and as I think you recognize, the decisions made

by government by way of policy and how that's implemented by way of regulation through the board could or could not affect negatively the whole energy pricing system. It just seems to me, as a legislator, as a taxpayer and as a consumer of electricity and gas in the province, I would be interested in making sure we have people on the board who are there to represent and advocate for consumers as well as some people who understand the industry advocating their particular points of view. I just find it funny that you don't have an opinion on that.

Ms Nowina: While I understand your concern, I don't know the board structure well enough to comment on how it should be made up.

Mr Bisson: What do you see as your most important role on that board?

Ms Nowina: My background and knowledge is in—

Mr Bisson: No, you get this appointment, we say yes today; what do you think the most important thing is that you're going to be doing?

Ms Nowina: Adjudication, writing judgments and perhaps helping with public consultations.

Mr Bisson: Do you feel you have sufficient experience in order to do that part of it, which is basically the adjudication?

Ms Nowina: I don't have any experience in adjudication, so I'm going to need training in that. The first thing I'm going to have to do is get training in adjudication. However, I do think both by my nature and my involvement in consulting practices and working with people like the OEB when we had the task force, I am familiar with looking at different parties' opinions and coming up with judgments and providing advice. A judgment is perhaps not that much different from advice.

Mr Bisson: I appreciate your candour in regard to your experience in adjudication, because that is where I was going. You've actually answered the second part of the question, which is, considering that you're going to be doing work adjudicating decisions with regard to what happens in the energy field, it seems to me not only do you have to have a component of understanding the energy industry or the consumer side, you have to have a certain sense of what adjudication is all about. What kind of experience do you think you bring, other than what you have in industry—I already know that—that would give you the ability to adjudicate from the other side, being able to look at it through the eyes of the consumer, rather than just the industry?

Ms Nowina: Six kids.

Mr Bisson: That's a good one. I like that. You're good on your feet. We may want you to run it one day.

Ms Nowina: I really think that my experience in managing and consulting, not with just one firm but consulting with a number of firms through a task force kind of environment gives me some experience in that. But, frankly, I need the training; there's no question about that. I'm a pretty quick study.

Mr Bisson: I'm glad that you're candid with that and you're able to put that out front.

The Acting Chair: We're just past the 10-minute mark, so if you could just ask—

Mr Bisson: Yes, just my very last question. We know we're going to be undergoing yet another machination of new energy policy in the province of Ontario. How do you see it this time around?

Ms Nowina: I look forward to it. I think we have learned—

Mr Bisson: I'm sure you do.

Ms Nowina: I think we've learned a great deal from before. I'm hoping that in its implementation we can be pragmatic and thoughtful.

The Acting Chair: Thank you, Ms Nowina, for being present today and for taking questions. Did the government wish to ask—

Mr Ernie Parsons (Prince Edward-Hastings): We waive our time.

The Acting Chair: OK. Time is waived. So thank you for your presentation here today. That concludes the appointment reviews for today.

We now move to concurrence. I know there were some motions mentioned earlier at the commencement, so what I propose is that we bring forward first whether we have concurrence on Mr Jan Carr, the first person who was interviewed.

Mr Bisson: No.

The Acting Chair: Mr Bisson, you're not concurrent? Is there anyone who is going to move concurrence?

Mr Parsons: I move concurrence.

The Acting Chair: Mr Parsons has moved concurrence.

Mr Bisson: As you know, Chair, I have a motion forward, according to the standing orders, to defer.

The Acting Chair: So you're moving that motion, I presume; section 106(e), I believe it's paragraph 8. Are you asking for the seven-calendar-day deferral?

Mr Bisson: Yes.

The Acting Chair: All right. I'm advised by the clerk that if you request that, that's automatically permitted.

Mr O'Toole: What about the concurrence first?

Mr Bisson: That will happen at the next meeting.

Clerk of the Committee: It's the concurrence that's being delayed.

The Acting Chair: So within seven days we're going to have to meet again, if that's all right.

Mr O'Toole: I'd like to make it clear that the official opposition has no problem with Mr Carr's appointment.

Mr Zimmer: Sorry?

Mr Bisson: He agrees with you guys.

The Acting Chair: But according to the standing orders, one member—and Mr Bisson is a member of the committee—can move putting it off for seven days. We will have a chance to debate that next time we meet.

Moving on then to the second appointee, Erma Blanche Collins, do I have a motion to concur? Moved by Mr Parsons. Mr Bisson?

Mr Bisson: I second it.

The Acting Chair: OK. All those in favour? Opposed? That carries.

The third one is Cynthia Chaplin. Do I have a motion to concur? Mr Gravelle, thank you. Seconded by Mr Tascona. All in favour? Opposed? Carried.

Pamela Nowina: Do I have motion to concur? Ms Smith, seconded by Mr O'Toole. All those in favour? Opposed? Carried.

My understanding is the only one is Mr Jan Carr. We will have to meet some time before next Monday, which is seven days from now, to arrange a time to meet further on that.

Also, because of the fact that there's a 30-day deadline, it requires unanimous consent to extend the 30-day deadline for consideration of Mr Jan Carr. We need unanimous consent for that.

Mr Bisson: Can I just ask for a time out here? I'm asking the committee to take a 10-minute recess, according to the standing order.

The Acting Chair: Can I ask the reason?

Mr Bisson: Yes, in a minute.

Mr Tascona: Just before that, I had asked for the conflict-of-interest guidelines for the Ontario Energy Board. Can we make a request to get those?

The Acting Chair: Yes, those will be provided.

We've dealt with the other three appointments. We're only left with Mr Jan Carr. That's the only issue that's left at this point in time.

Mr Bisson: Chair, I'm asking for a 10-minute recess.

The Acting Chair: You would like a 10-minute recess. OK.

The committee recessed from 1318 to 1330.

The Acting Chair: I call the meeting back to order. I think we've used up our 10 minutes or brief recess. Mr Bisson, do you wish to comment or add anything further?

Mr Bisson: No. That's fine.

Mr O'Toole: What was the 10-minute recess for?

The Acting Chair: So you still are moving that request to delay seven days?

Mr Bisson: Yes, that's still on.

The Acting Chair: My understanding from the clerk is that we have seven calendar days and, if it's the seventh day, which would be next Monday, we would require unanimous consent because of the 30-day period that this application stands for. If we can pick a date today prior to next Monday, then we don't need that 30-day concentric request.

Mr Bisson: We could do that.

The Acting Chair: How are we going to pick the date, then? Should we leave it at the call of the chair or the subcommittee?

Mr Bisson: I think the subcommittee can meet, and the subcommittee can decide on what the date is. It's probably just as easy to do it that way, because people have to go back and look at their schedules. It's kind of hard to just do it right here.

Mr Gravelle: Can we hold a meeting next Monday, Clerk? Would a week today meet the guidelines?

Clerk of the Committee: Yes, but if we hold a meeting next Monday, we would need unanimous consent to extend the 30-day deadline.

Mr Gravelle: Why don't we meet next Monday, then?

Mr Bisson: Can we just leave it to the subcommittee and we'll just decide on date, because there may be dates of conflict that we're not aware of because we don't have our schedules with us.

Mr Gravelle: But we only have a week to go. That's the thing. We have seven days from this moment on.

Mr Bisson: It will be done with seven days, but maybe we'll do it this week.

Mr Gravelle: Can we not move to have a meeting next Monday?

Mr Bisson: You can move it if you want.

Mr Gravelle: Is that OK with the members? I move that we hold the government agencies meeting a week today.

The Acting Chair: At what time?

Mr Gravelle: Do we need to clarify exactly the time right now?

The Acting Chair: Yes. So why don't we make it 10 o'clock next Monday? Is that amenable to everybody? We need unanimous consent, then, to extend the 30-day period. All those in favour? OK. That's fine. Then a motion by Mr Gravelle to meet next Monday at 10 am—

Mr Gravelle: Can I make the motion that we meet at 9:30 next—

The Acting Chair: At 9:30 next Monday?

Mr Bisson: It's better at 10. This morning it was fine, but it's not always the case coming out of Timmins, as you well know, Monique. I fly Air Ontario all the time. So 10 o'clock is fine.

Mr Gravelle: I move that we meet at 9:30.

The Acting Chair: OK. There is a motion for 9:30, then, on Monday.

Mr Bisson: Recorded vote.

Ayes

Gravelle, Mossop, Qaadri, Smith, Zimmer.

Nays

Bisson.

The Acting Chair: OK. That concludes the business of this committee until next Monday at 9:30.

Motion to adjourn?

Mr Gravelle: I move we adjourn.

The Acting Chair: Those in favour? Opposed? Carried.

The committee adjourned at 1335.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

Monday 8 March 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Lundi 8 mars 2004

The committee met at 0940 in room 151.

Clerk of the Committee (Ms Anne Stokes): Good morning. I'd like to advise you of the absence of the Chair and the Vice-Chair. I would like to preside over the election of an Acting Chair. Are there any nominations?

Mr Ernie Parsons (Prince Edward-Hastings): I would like to nominate Mr Berardinetti as Acting Chair.

Clerk of the Committee: Are there any other nominations?

Mr Gilles Bisson (Timmins-James Bay): I nominate John O'Toole. It should be an opposition committee.

Clerk of the Committee: Are there any other nominations?

Interjections.

Clerk of the Committee: There being no further nominations, I declare Mr Berardinetti the Acting Chair of the committee.

SUBCOMMITTEE REPORT

The Acting Chair (Mr Lorenzo Berardinetti): Good morning, committee members, and welcome.

Mr Bisson: On a point of order, Mr Chair: I just want to be consistent for the record. Normally this particular committee, as an oversight committee of the government in regard to its appointments, has always been chaired by an opposition member. I didn't oppose you on the basis of you as a member but on the basis that I really, strongly believe that this committee, as an oversight committee, should be chaired by an opposition member. The quicker we address that, I think the better we're going to be.

The Acting Chair: Thank you for that point of order.

Mr Bisson: And vote of confidence.

The Acting Chair: We are continuing the meeting from last week, and we have an agenda in front of us. The first item is the report of the subcommittee on committee business dated Thursday, March 4.

Mr Parsons: I move that the report be received.

The Acting Chair: Mr Parsons has moved adoption—or receipt?

Mr Parsons: Adoption.

The Acting Chair: Adoption of the report. All in favour? Opposed? Carried.

Members of the committee, before we get to item number two, there is a list of names that was put in front of us today of intended appointees to be included in the certificate of February 20. The new deadline is April 19, and I just wanted to get unanimous consent so we could extend their deadline for these intended appointees.

Mr Bisson: The ten? I've got a list of five here.

The Acting Chair: One, two, three, four, five—the intended appointees.

Mr Bisson: Oh. I heard "10." But I still have a question. These were ones that there were no objections on already, right? These particular five that are before us—the Ontario Labour Relations Board and others—there was no selection by the other parties for those people to appear before the committee?

The Acting Chair: My understanding from the clerk is that they were selected by the Conservative Party.

Mr Bisson: I don't have my glasses, which is really a problem here. Oh, this is for the review. OK, I'm fine.

The Acting Chair: It's only to extend the deadline, that's all.

Mr Bisson: I don't have my glasses and I'm having a bit of a hard time trying to read the fine print here.

Ms Kathleen O. Wynne (Don Valley West): Can you read it here?

Mr Bisson: I want to thank the member of the government for letting me see the light. That was funny.

The Acting Chair: Do I have a motion? Can we just extend that then?

Mr Bisson: Agreed.

The Acting Chair: Thank you.

INTENDED APPOINTMENTS

JAN CARR

Review of intended appointment, selected by third party: Jan Carr, intended appointee as vice-chair, Ontario Energy Board.

The Acting Chair: The remaining item is item number two here: appointments review, consideration of the appointment of Jan Carr to the Ontario Energy Board. Mr Bisson, at the last meeting you requested a deferral to today. Perhaps we could allow 10 minutes per party for further questions or comments, and we will begin with yourself.

Mr Bisson: I take it that Mr Carr is not here?

The Acting Chair: I don't see him here.

Mr Bisson: OK. My concern last week, and I guess I still have the same concern—but the government's going to have to decide what it wants to do and I take it you have a pretty good sense of where you're going. When

we questioned Mr Carr last week in regard to his appointment I thought there were a number of answers to questions that were posed by all parties, not just by my leader but also some of the questions that were posed by both the Conservatives and Liberals—and I thought his response was interesting. Now, I don't have an argument particularly with some of his experiences, because quite frankly he does have some experiences that are quite in keeping with the type of appointment, but my problem was that when we asked him the questions about what his views were and how those views had changed since the election of October 2, one of the issues was—the member across the way thinks this is a little bit funny, but this will probably come to pass.

His position was that he was basically accusing the Liberal government of being devoid on policy; that is what his comments were prior to the election. He was a Conservative appointment, and I'm not arguing for a second that we should oppose an appointment on the basis of him being a Conservative appointee from the previous government. There are Conservatives, New Democrats and Liberals who will be appointed to all committees; that's not my point. But what you essentially have here is somebody who initially did some work for the Conservative government in the energy field, who accused the Liberal Party and now the Liberal government of being devoid of energy policy, and now all of a sudden he's had an epiphany and he's prepared to basically put in place a policy that he said you didn't have any of. I just thought, as a government, I would be somewhat concerned about that, because at the end of the day, if this person is going to be enacting your policy, you would want to have at least a sense that the person is going somewhere in the same direction—not that I agree with your policy. So that was my first point.

The second point, however, I thought was a little bit more remarkable, because I thought he was rather harsh on the Tories. This guy was a Conservative appointee and previously had done some work for the Conservatives in regard, I believe, to the situation in Pickering. In answer to questions of both the Conservatives and the New Democrats, and possibly the government members as well, I thought he was rather tough on the Conservatives, somebody he was not tough on prior to October 2. I think you know where I'm going. Is he what we call a fair-weather friend?

Interjection.

Mr Bisson: Well, I have the right to put my point of view. I think this is a very important appointment. Energy is going to be another issue that we're going to be going into over the next four years of this government that's going to be quite controversial. You already know where the lines have been divided in regard to where energy policy is going in this province. The Tories tried to privatize it. It didn't work. We New Democrats believe that energy should stay within the public realm, for all of the reasons that we have put forward, and now you, as a government, are trying to fall somewhere in between. You're trying to say privatization but not quite privatization, public but not quite public.

When you listen to the answers the gentleman gave at the hearings here last Monday, he was saying he didn't believe in a hybrid system, that you either had to have a totally private system or you had to have a totally public system. It was, in his view, not very wise to have a hybrid system, where you have a mix of public and private. Those are his own words. I would just think the Liberals would be somewhat concerned about that, because that's what your policy is. Your policy is you're trying to say that it's going to be public, but not quite; it's going to be private, but not quite. You're going to have a mix of both, and the guy you're appointing as vice-chair doesn't believe in that particular policy.

So I would think, from the point of view of the government's policy, that you would want to have as vice-chair somebody who at least ideologically believes in whatever the government is doing. I think that at the end of the day this one just might come back to bite you.

Mr Michael A. Brown (Algoma-Manitoulin): Something like Floyd Laughren?

Mr Bisson: Well, listen, we have appointed—I want to put my argument quite bluntly. I don't argue for one second that we shouldn't appoint somebody on the basis of party credentials. There are really good people from all three parties who are out there who want to be appointed to public committees. I believe that governments have the right to appoint their own people to committees, as long as they don't stack every appointment with just Liberals. My point is I think we need to be somewhat concerned that the people whom we do appoint at least believe in the policies they're going to enact. I just think the energy board is a very, very important appointment. The vice-chair is extremely important.

I want to say again for the record that I think the gentleman brings all kinds of credentials. I don't argue that for a second. He's been in the industry for a long time, knows very well of what he speaks, but in his answers to the questions he did not believe in a hybrid approach when it comes to a mix of public-private. His position was you either have to go to a totally private system or you have to go to a totally public system. He didn't believe in the hybrid approach, and the government is going to be following a hybrid approach to its policies on energy. I would just think, from the government's point of view, that it would have gone back and rethought the thing.

At the end of the day, we're going to have a vote. I understand how this works. I've been around this Legislature long enough to know that the government is going to have its way at the end of the day, but I just wanted you to have an opportunity to think on this for a week, because I think in the long run you're probably doing yourself a bit of a disservice in this particular appointment. That is not to say that this person couldn't serve in some other capacity, because he has plenty of credentials. But I would just think, in the position of

vice-chair, you would be somewhat cautious in regard to this thing.

Thank you very much, Speaker.

Interruption.

Mr Bisson: That's my phone. I better hang up.

The Acting Chair: All right. We're going to rotate around. Any comments from the Conservative party?

Mr John O'Toole (Durham): Just with respect to the fact that I did sit in on the review of Mr Carr's appointment, I certainly would like to say pretty much what I said then. I respect his experience, going back as far as the Macdonald commission report, where he recognized after many years—really starting in 1993, they started to look at the underlying cultural problems in Ontario Hydro, and the recommendation by Donald Macdonald and his commission was the breaking up of Ontario Hydro. It's my understanding that Mr Carr participated in the analysis that was done at that time. In fact, it's my understanding that he agreed with many of the decisions at that time.

0950

The part where I felt, if you will, most uncomfortable was with respect to his work on the market readiness committee. On the market readiness committee, clearly, we weren't ready. It could have been the worst time to have gone to opening the market, with generation supply being at an all-time low; that is, the Bruce station was pretty much down and the Pickering station and its refurbishment was not even started, really. During the work that we had done at that time on the nuclear select committee, which was the refurbishment of all the nuclear facilities, and allocated something in the order of about $4 billion to the recovery plan in nuclear, I question whether or not he was just one of the cultural people within the industry who had clearly not come with a mandate to protect the consumer. Really, at the end of this day, that's the whole argument.

As new members, you will find that the idea here is to protect the consumer. That's really the role of the Ontario Energy Board. His partisan politics really shouldn't be any part of it. I think his professional credentials are certainly in order. His PhD and all his work as a consultant, as well as in the investment market, probably will stand him in good stead.

I did ask a question on the coal plant and the potential to eliminate all coal generation by 2007. Anyone who's even close to the issue knows that's simply not possible—not that it isn't the right thing to do. In fact, there is a plant scheduled to go down this year, which was a result of our government's work. I think the review of applications for new generation coming on stream has to be met with keeping supply high and taking all precautions to make sure that it's safe, reliable and affordable power. His position on coal was somewhat vague to me. That's currently the government's policy, and whether or not that's achievable, in my view—having sat on almost every committee of this Legislature since 1995 dealing with everything from the Macdonald commission right through to the generation conservation committee, which I had the privilege of sitting on with all of the industry leaders.

But it really comes down to one thing. He is going to be vice-chair of the consumer watchdog, if you will, and he has been up to his eyebrows for the last decade, right from the investment side to almost an advisory capacity. According to the conflict rules which we had asked the clerk to provide us with, which I have not received—I'm not a full-time member of the committee. I'm probably not in a position to review them anyway, but certainly Mr Carr would have a chance to review them. Being vice-chair at a salary of $300,000-plus—and it's my understanding that the general people were going in under the assumption that there would be the regular pay of a civil servant, which would be in the $80,000 range. They were told, basically, by the current chair—it's my understanding and it's on the record—that they expect that pay to double for a general member on the committee. What that would do to the chair and vice-chair, in today's climate, is for anybody to speculate.

If he can't participate, with his conflict role, how can he possibly be vice-chair? I'm not questioning his credentials. I've just reviewed briefly some of his background, which would leave him in a rather neutral position for some time as vice-chair. I'm wondering if the compromise couldn't be that he could be a member of the committee until such time as the conflicts had exhausted. Perhaps my colleague Mr Hardeman has some insightful remarks that he would like to put on the record.

By and large, I understand how this works. This is the appointments committee, government agencies, and as such, as Mr Bisson has pointed out, is normally chaired by an opposition or third party member. I'm sure Gilles would be happy to be sitting in the chair. I know, looking at the other side, there are six members—who must be quite nervous about this appointment—and they will easily win this vote.

I would never discredit the gentleman for putting his name forward. His credit is there. I suspect he'll have to live with his own partisan comments before and after October 2. I would expect a chair or a vice-chair of the Ontario Energy Board to act on behalf of consumers first. We will hold your feet to the fire, because I know you'll win the vote; he looks like he's your person. With the limited time that I've been allowed to speak, I'll leave my remarks at that.

The Acting Chair: Mr Hardeman, did you wish to add anything further?

Mr Ernie Hardeman (Oxford): Thank you very much, Mr Chairman, and my apologies for coming late and coming in the middle of our meeting.

I do want to re-emphasize the comments made. In times of appointments, I think it's very important to appoint people who are knowledgeable about what they're being appointed for, but also who can do that job. I share some of the concerns that my colleague had about the issue of conflicts that have been created in the past that are going to take some time to exhaust before full decisions could be made.

I also share a small concern with my colleague, not against the appointment but his assumption that after this exhaustive discussion, in fact, the members opposite are all going to vote in favour of this appointment. I would have thought his comments were so convincing that that would not necessarily be the case. So I'm not prepared at this point to assume that this is an automatic vote. I would assume that this is going to be wide open. In fact, we may very well have to meet again to make the final appointment.

The Acting Chair: Any further comments? Do I have a motion, then, to concur in the appointment of Mr Jan Carr? Is there concurrence?

Mr Bisson: No.

The Acting Chair: No? OK, then we'll have a vote.

Mr Bisson: A recorded vote.

The Acting Chair: All those in favour of the appointment of Mr Jan Carr?

Ayes

Brown, Fonseca, Hardeman, O'Toole, Parsons, Qaadri, Smith, Wynne.

Nays

Bisson.

The Acting Chair: The motion carries.

Interjection.

The Acting Chair: A motion to adjourn. All those in favour? Opposed? Carried. Thank you for your time.

The committee adjourned at 0958.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 24 March 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 24 mars 2004

The committee met at 1005 in room 151.

Clerk of the Committee (Ms Anne Stokes): Good morning, everyone. I'd like to draw your attention to the fact that both the Chair and the Vice-Chair are absent today. It is therefore my duty to preside over the election of an Acting Chair. I would like to now ask if there are any nominations.

Mr Ernie Parsons (Prince Edward-Hastings): I would like to nominate Mr Orazietti.

Clerk of the Committee: Are there any other nominations? Thank you. There being no other nominations, I declare Mr Orazietti the Acting Chair. If you'd like to come forward.

SUBCOMMITTEE REPORTS

The Acting Chair (Mr David Orazietti): Good morning and welcome. I'd like to call the meeting to order.

Our first order of business is the report of the subcommittee on committee business dated March 11, 2004.

Mr Parsons: I move adoption of the report.

The Acting Chair: So moved. Any discussion? Seeing none, all in favour? Approved. The motion is carried.

Our second order of business is the report of the subcommittee on committee business dated March 18.

Mr Parsons: I move adoption of that also.

The Acting Speaker: Moved by Mr Parsons. Any discussion on this report? All in favour? The motion is carried. Thank you.

INTENDED APPOINTMENTS

JOAN LITTLE

Review of intended appointment, selected by official opposition party: Joan Little, intended appointee as public-at-large member, Niagara Escarpment Commission.

The Acting Chair: We now move to our appointments review: Ms Joan Little, intended appointee as public-at-large member, Niagara Escarpment Commission. You may come forward. As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there are questions from members of the committee.

It has been the practice of this committee to provide each party with the opportunity to ask the first question on a rotating basis at each committee meeting. At our last appointments review we started with the official opposition. With the agreement of the committee to continue this practice, we'll commence the questioning today with the third party. At the next meeting, we'll begin with the government, and then the official opposition and so on. Each party will have 10 minutes allocated for questions, and we'll go in rotation. As is also the practice of this committee, any time you take to make a statement will be deducted from the allotted time of the government party. Welcome.

Ms Joan Little: Mr Chairman and members, good morning and thank you for inviting me to speak to my application for appointment to the Niagara Escarpment Commission.

In 1986, I was appointed to the NEC as a nominee of Halton regional council. When I retired from council in 1988, I was reappointed as a public-at-large member. Government observers frequently attended commission meetings at the time, and early in 1993 I was called by the host ministry, which was then the Ministry of the Environment, to see whether I was interested in becoming chair, because the chair's term was expiring that year. The minister subsequently interviewed me and I became chair. I believe my broad experience in council and with the conservation authority, along with my NEC track record, can be useful today.

Applications may be routine to the commission, but sometimes they are the most important thing applicants have on their plate. It's very important that they be treated with respect, and how they are treated, of course, reflects on the government. I'm dedicated to making sure that applicants are treated with respect. If an application must be refused, it must be done with sensitivity and fairness.

During my three years as chair, the director, chief planner and I visited the escarpment counties and regions to meet councils and staff to introduce the faces behind the names, to forge relationships and to build support for the program. We also visited escarpment MPPs and found most of them keen to learn more about the program.

I would like to take the opportunity to pay tribute to one unsung group that makes the Niagara Escarpment so

special, not just any place in Ontario: the planning and support staff of the NEC. Although in recent years their staffing levels and funding have been severely decimated, they're a wonderful group who love the program and work their hearts out in the face of seemingly undoable workloads.

In 1990, UNESCO designated the escarpment as one of only six world biosphere reserves in Canada then, a place where conservation and development coexist in harmony. Our escarpment biosphere is the envy of many countries because of its unique land use plan. When the NEC director attended a conference of world biospheres in Seville, Spain, in 1995, he was inundated with requests for information on this success story. Later, Mexican officials visited the NEC in Georgetown for advice on preparing a plan for their proposed biosphere reserve. Those kudos all resulted from Ontario's forward thinking in June 1973, when it passed the Niagara Escarpment Planning and Development Act with the support of all three parties, the province's first Smart Growth plan. Today, development pressure in southern Ontario makes that bold 1970s idea seem prophetic. You can count on me to respect the legislation and the NEC plan.

I'd be pleased to answer questions.

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The Acting Chair: Thank you very much. Questions?

Mr Rosario Marchese (Trinity-Spadina): My name is not Gilles Bisson; it's Rosario Marchese. I'm just filling in for a little bit. I apologize for not having read much about your resumé in order to be more adequately prepared, but I will ask a few questions that have already been drafted by staff. One of the questions they ask, which I think is a good one, is: What is your understanding of the role of the commission? You touched on some of the things that the escarpment does, but in terms of the role of the commission, what do you think it is?

Ms Little: It's to uphold the Niagara Escarpment plan, to honour the legislation and to continue to make the escarpment a special place, I believe.

Mr Marchese: OK. And your understanding of the escarpment plan, again, in some detail if you can, to make me understand what you know about it?

Ms Little: OK. It's a conservation plan, but a conservation plan where development can occur concurrently. There are some areas of the plan which allow development; some do not. The more sacrosanct areas are the natural areas, undoubtedly, but it's a place where the two can coexist. Very intense development is not permitted in many parts of the plan. The development is directed to more urban areas and to towns and hamlets. Extensive development is not permitted within the Niagara Escarpment plan other than in the urban areas, but it's environmental. The development has to conform to environmental standards.

Mr Marchese: In your experience and involvement, do you think the Niagara Escarpment Commission faces some challenges? If so, what are they and how would you deal with them?

Ms Little: The development pressures are the very real thing. The very fact that the escarpment is special makes it very marketable, so development pressures are certainly the number one problem facing the commission.

Budget and staffing will be an issue. As I mentioned in my opening remarks, the budget was cut very severely. Obviously, I can't do anything about that. You have to live with what you have, but it's my hope that maybe even mentioning it, whispering it the odd time, might provide some help for that.

I don't know whether you are aware that the proposed greenbelt legislation exempts the Niagara Escarpment area, I think perhaps because it was promoted that new urban growth should not occur in the greenbelt, but they figured the Niagara Escarpment plan already did that. I'm not sure that it does. People can still apply for urban expansions, and there are ongoing joint board hearings and so on. That may be an issue.

One thing I find interesting is that we travel to Arizona sometimes and the bottled water in Tucson carried the—I forget whether it was the Crystal Springs or Caledon Springs—brand right in the supermarkets. I looked and I thought, "There are all those underground water resources." I know the Niagara Escarpment Commission has recently looked at water-taking problems, but that, I think, will be a big issue in the future.

I think I'll leave it at those.

Mr Marchese: You mentioned development as an issue.

Ms Little: Yes.

Mr Marchese: What specifically about development are you worried about, and what is your view of how to tackle the issue of development on the Niagara Escarpment?

Ms Little: As far as I'm concerned, if the plan allows it, that's fine. Where the plan does not allow it, it shouldn't go, because the plan does not allow it in some areas for environmental reasons. I think it's suicidal to ruin a conservation plan, which has been carefully drafted, by allowing intense development where the environmental requirements don't permit it.

Mr Marchese: All right. You talked about budgetary problems that you faced for a while. Clearly it's underresourced, and I presume you probably have some advice for the new government. If you're facing budgetary problems, that means you're limited in your ability to do things effectively.

Ms Little: Yes, that's right.

Mr Marchese: I presume you have a message for the Liberal government, in terms of what you think might be more adequate resources that are required.

Ms Little: A couple of years before I left, our budget was $2.57 million and we had 34 staff. Today it's $1.91 million with 22 staff. I think somewhere in between would be wonderful.

I've mentioned the staff. They're a very upbeat group, and it amazes me how much they like the program and how very dedicated they are to it. Any increase would be wonderful.

Mr Marchese: They're doing more with less, obviously.

Ms Little: Yes, they are.

Mr Marchese: I am certain the Liberals are sensitive to this particular issue.

Ms Little: I'm sure they are.

Mr Marchese: I'm sure that once they deal with the deficit problem they didn't know about, money will flow to you. I'm absolutely certain.

Ms Little: I'm sure it will.

Mr Marchese: But they heard you, anyway.

Ms Little, I appreciate your answers to some of these questions.

Ms Little: Thank you, Mr Marchese.

The Acting Chair: We'll move to the government caucus.

Mr Parsons: We'll waive our questions.

Mr Toby Barrett (Haldimand-Norfolk-Brant): I appreciate your being here. With respect to the escarpment, we do have a bit of research from the committee on the escarpment, which starts geologically over in Rochester.

Ms Little: That's right.

Mr Barrett: A lot of it on Manitoulin Island is quite stunning. I understand that's not included in the Niagara Escarpment.

Ms Little: I wish it were, but that's a fact of life.

Mr Barrett: That's partly where I'm going with this. It continues through Michigan and Wisconsin and ends up north of Chicago. You indicate that you wish the Manitoulin section was covered. Is there any work you plan on doing to try to broaden the scope? Manitoulin Island is in Ontario.

Ms Little: The planning area, at the moment, would not permit that. Whether at some future time it would, I don't know. There was discussion years ago at the commission, just generally, about how nice it would be, but beyond that it didn't go anywhere.

Mr Barrett: Further to that, as we know, the escarpment is in New York state—it's in several states on the other side of the border. Do you see any potential there to reach out or to have any discussions, any joint ventures with respect to day-tripping or tourism potential?

Ms Little: I'm not certain. There were discussions several years ago with—is it Door, Wisconsin? I'm not sure. There were discussions across the border. A couple of commission members and staff actually visited, I think, Door, to have discussions about that—nothing formal; it was on an informal basis. But there was real interest in that, just as you said, for the joint tourism.

Mr Barrett: I throw that out because much of the area of the escarpment goes through, and that part of northern Ontario, could use some of the tourism and economic development that may come from that—

Ms Little: I think the escarpment has been a wonderful boon for tourism.

Mr Barrett: —and extend the Bruce Trail as well.

Ms Little: Yes.

The Acting Chair: Further questions from the opposition caucus?

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Mr Garfield Dunlop (Simcoe North): Did the government not ask any questions?

The Acting Chair: They waived their opportunity.

Mr Dunlop: OK. A couple of quick questions to Ms Little. The Niagara Escarpment extends right up through the part of the province I'm from, which is Simcoe county, and of course we've got tremendous pressures in the Collingwood-Blue Mountain area on the commission that you would work under.

Maybe you can answer this: With the county official plan and the Niagara Escarpment Commission, which overrules which?

Ms Little: The Niagara escarpment plan is the—

Mr Dunlop: Is the provincial body.

Ms Little: Yes, that's right.

Mr Dunlop: So any development that would be turned down by the Niagara Escarpment Commission is dead, then, at that point?

Ms Little: Yes, it is.

Mr Dunlop: OK. I couldn't quite remember. I'm subbing in on this committee as well, and I wasn't quite sure; I couldn't quite remember from my county planning days exactly what had happened.

Mr Marchese mentioned his concerns about the development. Can you make any comments on the Collingwood area, about the top end of the escarpment up in the Simcoe county area?

Ms Little: A lot of that area through there is designated escarpment recreation, and that allows a lot of uses like the ski hills and that kind of thing. In fact, that's about the only area in the Niagara escarpment plan that has very intense development potential. I guess the tourism dollars are fantastic in the Collingwood area—well, in the Blue Mountain area, the whole area near there.

Mr Dunlop: Yes, and we're looking forward to Mr McGuinty announcing quite a bit of money for a road up in that area, four-laning it to that area.

Mr Marchese: "It's coming."

Mr Dunlop: It's coming.

The fact of the matter is, as you know—I don't know if you're aware of this, but Interwest, the same people who have bought Tremblant and Whistler, are now the owners of the Blue Mountain area and there's billions of dollars of investment occurring in that area. I have had comments from my constituents and people in the county who are quite concerned about the escarpment when they hear of these huge companies moving in and doing a lot of developing in those regions.

Ms Little: Well, it has to conform with the Niagara escarpment plan, and there are a lot of things in the plan—environmental concerns overlay the development concerns. So if it's permitted in the plan, it has to also meet development criteria.

Mr Dunlop: I've got a couple of really quick political questions for you. Are you a member of the Liberal riding association?

Ms Little: I'm not a member of any political party.

Mr Dunlop: OK. That's all I wanted to ask you.

Mr Barrett: Just another quick question. Has there been any thought on any future, whether it's seen as a pressure or an opportunity, for wind power within the mandate of the escarpment lands?

Ms Little: The Niagara Escarpment Commission had a review just a while back looking at setting up policies on that, and what they arrived at was that they would look at a single tower capable of running a farm or a home or something, but that as far as the large, industrial type of wind power installations were concerned, they felt they were not suitable on the Niagara Escarpment.

I had made some notes, anticipating that maybe someone would ask me about wind power. I don't know whether you're aware, but apparently you need generation of 100 megawatts to make it viable. That would require 50 to 70 towers. They are 250 to 350 feet high to the hub, to where the blade is located. The blade is 120 to 130 feet. So the total height you're looking at is 370 to 430 feet. Those are in staggered rows and, as I said, 50 to 70 towers. I would also mention that the Niagara Escarpment only makes up 0.17% of Ontario's area. So when you combine all those things together, maybe the Niagara Escarpment isn't the best place for the wind towers, at least on a large industrial basis.

The commission has said in its policy paper that it would be willing to revisit the whole question once the technology and the science is more mature. I think that's reasonable.

Mr Barrett: Yes. Thank you.

The Acting Chair: That concludes our time. Thank you, Ms Little.

IAN ANDERSON

Review of intended appointment, selected by official opposition party: Ian Anderson, intended appointee as vice-chair, Ontario Labour Relations Board.

The Acting Chair: The second intended appointee is Ian Anderson, intended appointee as vice-chair, Ontario Labour Relations Board. Please come forward. As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there are questions from members of the committee. Each party will have 10 minutes allocated for questions, and we'll go in rotation. Any time that you take in your statement will be deducted from the time allotted to the government party. Thank you and welcome.

Mr Ian Anderson: Thank you for this opportunity to make some opening remarks. I'm honoured to appear before this committee, nominated as a vice-chair to the Ontario Labour Relations Board. I wanted to point out to the members of the committee that present in the room today are the chair of the Ontario Labour Relations Board, Kevin Whitaker, and one of the board's solicitors, Voy Stelmaszynski, in addition, of course, to Peter Chauvin, who is also nominated to be a vice-chair of the Ontario Labour Relations Board.

The Ontario Labour Relations Board has long been respected as one of the best, if not the best, quasi-judicial administrative tribunals in the province, and indeed in Canada. This reputation is, in my opinion, well deserved and continues to this day. The respect is based on the experience, expertise and independence of the members of that board.

As you will know, the courts in Canada have, over time, adopted a policy of deference to expert quasi-judicial administrative tribunals like the board. Decisions of such tribunals will only be disturbed by the courts if they are patently unreasonable. This is a very high standard of deference. Much of the jurisprudence giving rise to this standard arises from cases involving labour relations boards. It is a testimonial from the courts to the quality of these boards.

Historically, the Ontario Labour Relations Board has made decisions under the Labour Relations Act primarily concerned with the acquisition, utilization, transfer and termination of collective bargaining rights.

Today, in addition to these areas of what I will call traditional labour law, the board has been assigned a number of other functions by the Legislature. The board now has functions under about 20 different statutes. However, about 95% of cases that are addressed by the board arise from three statutes. They are the Labour Relations Act, which continues to account for approximately 70% of the board's caseload; the Employment Standards Act, which accounts for approximately 20% of the board's caseload; and the Occupational Health and Safety Act, which accounts for approximately 5% of the board's caseload.

In addition, while definitely not the mainstay of the board's practice, the board's jurisdiction to address constitutional and human rights issues which arise in cases before it has now been clearly recognized by the courts.

I believe my 17 years of experience in the practice of law have prepared me well for a position as a vice-chair of the board. While I've always practised traditional labour law, I have also had the opportunity to practise in other areas of law in which the board is now called upon to make decisions.

I articled at the union-side firm of Golden, Green and Starkman. While I was there, I was fortunate to have the opportunity to act for the worker in an appeal before what was then the Workers' Compensation Appeals Tribunal in what became known as the interest test case. Up until that time, injured workers received no interest on arrears in benefits. In the interest test case, the tribunal awarded the worker interest on arrears. This resulted in a change in board policy so that interest was awarded on arrears in most cases. The additional benefit to injured workers was about $16 million a year in the late 1980s/early 1990s, when the policy was changed. Board policy was subsequently changed to also award interest to employers on over-contributions of premiums.

Early in my career, I had the good fortune of being invited to establish the workers' rights group at Parkdale Community Legal Services here in Toronto. Parkdale is a

teaching clinic run by Osgoode Hall Law School. On my recommendation, Parkdale made the decision to focus the work of that group on the Employment Standards Act. While I was at Parkdale, the workers' rights group dealt with well over 100 cases under the Employment Standards Act. The largest of these was a case known as Federated Building Maintenance, a case in which I represented approximately 100 unorganized cleaners in their claims for severance pay arising out of the transfer of a contract to clean one of the bank towers at King and Bay.

After Parkdale, I had a taste of what is involved in starting a business when I established my own practice in partnership with Garth Dee. Mr Dee, as some of you may know, is a coauthor of the leading text on workers' compensation law in Ontario. Our practice focused on workers' compensation and other areas of employment law.

I then became in-house counsel for United Food and Commercial Workers Local 175. This was an intensive litigation practice in which I did many arbitration cases. In addition, I was involved in numerous certification and other proceedings before the labour relations board.

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While at Local 175, Raj Anand, who was the former chief commissioner of the Ontario Human Rights Commission, asked me to join him in his practice of charter litigation, human rights and union-side labour law at the Toronto office of the firm of Scott and Aylen. I did so and practised there for some three years. Scott and Aylen was, I think it's fair to say, an unusual firm, at least in the context of labour law, in that, as I've noted, the Toronto office was a union-side practice; however, the much larger Ottawa office conducted a management-side labour law practice. The firm, therefore, provided me with many opportunities to associate with management-side labour lawyers in a non-adversarial context, also known as firm retreats. It also provided me with the opportunity to act as counsel for the Canadian Human Rights Commission in several cases.

I left Scott and Aylen to join the union-side law firm of Cavalluzzo, Hayes, Shilton, McIntyre and Cornish. This was, and continues to be, one of the pre-eminent union-side labour law firms in Canada. My tenure at that firm provided me with the opportunity to work with a number of different unions, each with a unique culture, across a variety of sectors. It also provided me with renewed opportunities to appear before the board.

Presently, I am the general counsel to UFCW Local 1000A. This role has given me yet another perspective on labour relations. Among other things, it has allowed me to participate directly in negotiations of collective agreements, which is actually a very rare thing for union-side counsel. I believe this has better equipped me to assess the merits of bargaining-in-bad-faith complaints filed with the board. It has allowed me to observe and appreciate the real-world pressures faced by union staff representatives and also employer-industrial relations specialists, outside of the adversarial context of litigation. That's a very different world than the one that lawyers experience in the litigation context. It has caused me to develop a sense of perspective on the role of lawyers and legal decisions in the real world of labour relations. That is to say, it has given me a certain humility as to the actual impact of law and lawyers on the conduct of labour relations.

You will also have noted from my CV that I have had an extensive involvement in the area of workers' compensation law over the years. Apart from sensitizing me to health and safety issues, I believe that this experience would prove useful to me if appointed to the board in the following respects: It has provided me with many opportunities to organize and manage complex, sometimes multi-party cases. It has developed my skills and understanding in assessing complex technical information and expert evidence in relation to health and safety issues. It has made me acutely aware of some of the issues which arise from overlapping statutory regimes, most notably with respect to the issue of reinstatement. It has provided me with some wonderful opportunities to work jointly with members of the management side of the bar.

You will also have noted from my CV that I have litigated constitutional and discrimination cases and have spoken and litigated on accommodation issues.

Once again, I appreciate this opportunity to make these opening remarks, and I look forward to the questions from the committee.

The Acting Chair: Thank you very much, Mr Anderson. The government caucus has three minutes, should they choose to use their time.

Mr Parsons: Thank you for an excellent presentation, Mr Anderson. I have one question, and I would note, first of all, that there is no wrong answer. Are you a member of any political party?

Mr Anderson: I am. I am a member of the New Democratic Party. However, in the interest of full and fair disclosure, I think I should note that approximately 20 years ago, I worked for a Liberal MP on Parliament Hill, and that my late father owned John Diefenbaker's birthplace, which I actually had the privilege of re-roofing when I was 16 years old, and further used to always refer to Bill Davis as being "that living saint."

Mr Parsons: Thank you. I noted there was no wrong answer, but you've covered everything.

The Acting Chair: Any further questions? Thank you. Official opposition.

Mr Dunlop: You took my question over there.

Mr Barrett: Could I jump in?

Mr Dunlop: Go ahead.

Mr Barrett: The Green Party is not on your resumé?

Mr Anderson: No, the Green Party is not on my CV, and I have to say, I said to my spouse that I was a little concerned about wearing a green suit this morning, but I think it's a sign of spring. I hope you'll interpret it in that manner.

Mr Barrett: I have an agricultural-labour relations issue. You're currently general counsel, United Food and Commercial Workers Canada, and I'm not clear on some of the involvement of that organization in agriculture. We know the NDP passed Bill 91, the Agricultural Labour

Relations Act, a number of years ago, and that extended the right to organize to agricultural workers, who had previously been excluded from collective bargaining. Since then, there has been Bill 7, and it see-saws back and forth. I wondered, just given your background, if you could maybe give us a bit of an update on that area and also your approach to this kind of debate that has been see-sawing back and forth over the last eight or nine years?

Mr Anderson: I can answer at least part of your question. First of all, I am general counsel to Local 1000A of the United Food and Commercial Workers Canada. The local has approximately 25,000 members but it is a different entity from the United Food and Commercial Workers Canada, which is the national office.

The national office of the United Food and Commercial Workers, I think it's fair to say, has spearheaded much of the push for the position that agricultural workers should have the right to unionize. The national office financed a challenge, as you are probably aware, to the previous government's legislation with respect to the exclusion of agricultural workers. That resulted in a decision which was sort of a classic Solomon's decision by the Supreme Court of Canada in which on the one hand they said that agricultural workers had the right to associate but that didn't necessarily mean they had the right to unionize under the Labour Relations Act. That resulted in the previous government—your party—bringing in legislation which provided some form of association to agricultural workers.

I believe there's a case currently before the board, if I'm not mistaken, in which a constitutional challenge has been launched by the United Food and Commercial Workers Canada to that legislation. I have no involvement in the case itself. I've had no involvement whatsoever in the case.

Mr Barrett: I'm asking more out of general interest in this kind of situation.

With respect to the food and commercial workers, I think so much of the food industry—I guess I'm thinking more of the restaurant trade. To what extent is the restaurant trade unionized? I ask that because there are some obvious discrepancies in the salary of someone who is in food preparation in the back of a restaurant chain compared to what perhaps steelworkers and auto workers make.

Mr Anderson: It's not something I've made a study of. I should tell you that the local I'm involved with has no members who are restaurant workers. There is at least one other local of the United Food and Commercial Workers which represents a number of Swiss Chalet employees, actually. So that chain is partially unionized. The typical fast food franchises are, as far as I know—I don't know that there is one that is unionized at present in Ontario. There have been periodic attempts made to unionize fast food franchises. Some have been wholly unsuccessful and some have been briefly successful in the sense that a certificate was issued and then typically, following the first contract, the bargaining unit was lost.

The restaurant workers who tend to be the most unionized, I would suspect, would be in the hotel sector. That is to say, the hotels are unionized and, as part of that, the restaurant workers who are associated with the hotel are unionized. Actually, when I was with Local 175 we had some such members, and with 1000A we attempted to obtain bargaining rights with respect to a hotel where that would have been the case.

Mr Barrett: So the bulk of the membership would be more food processing and tobacco manufacturing?

Mr Anderson: Are you referring to the United Food and Commercial Workers now?

Mr Barrett: Yes.

Mr Anderson: The United Food and Commercial Workers—well, I would say 90% of the Local 1000A membership is involved in the processing, distribution or retailing of food. So, for example, Local 1000A represents the employees of virtually—and I say "virtually"—every Loblaws store in the province. There are a few Loblaws stores which, for reasons which have to do with successor rights under the Labour Relations Act, are represented by a different local of the UFCW. In addition, Local 1000A represents employees at National Grocers distribution centres. UFCW Local 1000A represents employees at various meat processing plants.

1040

In addition to representing retail food employees and retail food processing employees, other UFCW locals in Ontario, which I assume is your primary interest, represent a broad array of employees. The sort of historical occupation bases for a trade union, the concept of an industrial trade union that represents people in a particular industrial sector, has gradually been breaking down. For example, when I was with Local 175, which is now 13 years ago, the president used to boast that we represented people who work with people from cradle to grave. We literally had members who were employees of daycare centres and members who worked in funeral homes. So it was quite a range.

Mr Marchese: I only have one question, really. When the New Democrats came to power in 1990, we made a number of changes that were clearly designed to help workers and labour, generally speaking, which was our attempt to establish some balance, we argued. Then the Tories came in and of course introduced a whole new set of laws that clearly were designed to go in the opposite direction. We all have a different sense of what achieves the balance between the interests of labour and business. In your view, what is that balance? How do we achieve that?

Interjections: Liberalism.

Mr Marchese: God bless the Liberals. They're always right there in the middle.

Mr Anderson: With all due respect, Mr Marchese, in my view it would be inappropriate for me to answer that question, and let me explain why, if I might.

Mr Marchese: Sure.

Mr Anderson: I certainly have opinions. Anyone who is active in the field of labour relations—I'm interested in my field, so I have opinions.

Having said that, when a lawyer litigates a case, the question isn't whether you like the law or whether you think the law is correct; the question is whether you can succeed, given what the law is. Until they're elected to this august body, lawyers do not change the law, they argue based on the law.

Lawyers in private practice are free to express their opinions, and often do. However, for those of us who are before you seeking to be members of a quasi-judicial tribunal where one's function is simply to apply the legislation of the day, I think it would be inappropriate, frankly, to express an opinion on the current balance, whether it's right, wrong or ideally Liberal. I just think that would be an inappropriate thing for me to comment on.

Mr Marchese: Right. If I had asked it differently, perhaps we might have had a different answer; I'm not quite sure. However, I appreciate the answer.

I'm going to ask a follow-up question in relation to what you presented—it was a long list of accomplishments, really. What is it about this job that attracts you to it?

Mr Anderson: What is it that attracts me to it?

Mr Marchese: Yes.

Mr Anderson: I think many people who practise law find that over time they become more and more knowledgeable about the law. So when a case comes in, they know what the two sides of the argument will be. Typically, I find the hardest problem I face as a litigator is not in the hearing room and not with the opposing counsel but with my own client, in terms of explaining to them what the law is and sort of explaining what the other view is. Over time, if one didn't start out that way, one becomes balanced. It's sort of the cruel lash of experience.

Mr Whitaker was kind enough to remind me that in one of my appearances before him, I lost. Presumably he was applying that lash of experience to me and teaching me that I was wrong in terms of my analysis of the case, or more appropriately, I think, that my client was wrong in terms of his assessment about what would happen with the case.

What attracts me to the position is that, over time, I feel like I've become more and more judicial in terms of how I approach things in any event, and I look forward to the challenge of actually writing those decisions, mediating between the parties, mediating between their interests and attempting to get to the right answer as quickly as possible.

The Acting Chair: Thank you, Mr Anderson. You can step down now.

Mr Anderson: Thank you very much.

PETER CHAUVIN

Review of intended appointment, selected by official opposition party: Peter Chauvin, intended appointee as vice-chair, Ontario Labour Relations Board.

The Acting Chair: The third interview is Peter Chauvin, intended appointee as vice-chair, Ontario Labour Relations Board. You may come forward. As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there are questions from members of the committee. Each party will have 10 minutes allocated for questions. We'll go in rotation. Any time you take in your given statement will be deducted from the allotted time given to the government caucus. Welcome.

Mr Peter Chauvin: I do have an opening statement. Thank you, Mr Chair. Good morning, members of the standing committee. I thank you for this opportunity to appear before you to speak about my intended appointment as a vice-chair of the Ontario Labour Relations Board.

I'm aware that you have a copy of my resumé. However, I'd like to spend a few minutes to provide you with some further information and outline some aspects of my education and professional experiences that make me, I believe, a well-qualified and suited candidate for this appointment.

I was born and raised in Windsor, Ontario. I'm the fourth child in a family of six children. I attended the University of Windsor from 1978 to 1980 before being admitted to the University of Western Ontario law school in 1980. While at law school, I worked as a research assistant for Professor Earl Palmer, one of the most esteemed arbitrators in Ontario. During this period, I assisted Professor Earl Palmer in writing the second edition of his text, Collective Agreement Arbitration in Canada. While in law school, I achieved very high academic standing. I was ranked fifth and eighth in my first and second years respectively, and I received a bursary for my academic standing.

Upon graduating from law school in 1983, I articled with Miller Thomson. Given my experience with Professor Palmer in connection with labour relations, I focused on labour relations during my articles and was hired back into the firm's labour relations and employment law department.

I was called to the bar of Ontario in March 1985 and I've been practising with Miller Thomson in the area of labour relations and employment law since then. In 1990, I was offered a partnership with Miller Thomson, which I was proud to accept. Since 2001, I have been the co-chair of Miller Thomson's labour relations and employment law practice group.

Miller Thomson is now one of the largest and most respected law firms in Canada. I have been with Miller Thomson for my entire professional career. I have established a very successful practice at Miller Thomson. Over the past 19 years, I've represented a broad range of both public and private sector clients.

In the public sector, I have represented hospitals, nursing homes, homes for the aged, associations for community living, libraries and municipalities. In the private sector, I have represented a broad range of companies in industry, manufacturing and construction. I have appeared before the Ontario Labour Relations Board, or the OLRB, as I will refer to it, on numerous occasions in connection with a broad spectrum of

matters, including applications for certification, sale of business applications, related employer applications, employee status applications, unfair labour practice complaints, duty of fair representation complaints and construction industry applications.

In addition to my work in connection with the OLRB, I have acted as counsel in connection with numerous rights and interest arbitrations pertaining to such issues as discipline, contracting out, layoffs, restructuring of workplaces and the interpretation of collective agreements.

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Finally, I have also had extensive experience with regard to the Workplace Safety and Insurance Act, the Pay Equity Act, the Employment Standards Act, the Ontario Human Rights Code and the Occupational Health and Safety Act. I have acted as counsel in connection with numerous manners pertaining to these statutes. I am the co-author of the Canadian Employment Law Factbook, published by Carswell-Thomson Professional Publishing Canada. This textbook summarizes employment standards, human rights, labour relations, occupational health and safety, and pay equity legislation across Canada, and is updated quarterly by myself.

From 1999 to 2001, I sat as an executive committee member-at-large on the Ontario Bar Association. In this role I participated in the planning of OBA events and activities and chaired one of the bar association's programs pertaining to recent Supreme Court of Canada decisions regarding human rights. I have been a frequent speaker at conferences, seminars and lectures, as is set out in my resumé. I consider myself to be a very fortunate individual, and in doing so I have tried to give back to my community as much as I can. I have been a Boy Scout leader and a soccer coach, and I give generously to charities.

I look forward to your questions, and thank you again for this opportunity to appear before you.

The Acting Chair: Thank you very much. We'll start with the official opposition.

Mr Dunlop: Thank you very much for your presentation, Mr Chauvin. It's good to see you here today. Both you and the previous appointee have a legal background in labour law and as well will be vice-chairs of this committee—this is a question looking for information; I'm not trying to attack you or anybody else. When you've had a number of clients over the years, how will you personally, as a member of the board, deal with potential conflicts when they come before the board? I just want a clarification on that, because I'm not sure of that exact role.

Mr Chauvin: I believe that there's a very established practice for that. There would have to be, because it would be quite inappropriate if I received this appointment on Monday, speaking hypothetically, and I was to be the vice-chair in a case in which one of my former clients, as of today, was the applicant of the responding party. You would expect the other side to raise a concern of bias. Because of that, I understand and would expect the board—though I'm not familiar with the board's practices yet—to have a policy that states that you probably have to declare who your clients are once you are appointed to the board. The registrar is then very careful not to assign you to any case in which a previous client of yours is either the applicant or the respondent. If that process erred, either because I forgot to include all of my clients, who are numerous, then it would be my job in receiving a file to say, "I can't take this file. I shouldn't."

Mr Dunlop: I just needed that little bit of background. I can understand, when you have a number of clients over a 20-year career, how you could easily have former clients come up and be part of the hearing.

Mr Chauvin: I think it's very normal. It happens, and it's dealt with.

Mr Barrett: I was reading with interest the various seminars and the very wide variety of topics that you present on. At the Ontario Trucking Association one of your seminars is titled "Independent Contractor or Employee?" What's the answer?

Mr Chauvin: It's funny that you ask that, because at the end of my presentation—I thought it was a very good presentation, and you're obviously very aware of the issues surrounding that—there was almost a riot in the room and I had to get out the back door. Everyone wants a simple answer. There is no simple answer to whether someone is an employee or an independent contractor. There are many, many factors that you have to look at. Business concerns and practical concerns are always at odds with the law in that regard.

Mr Barrett: I know the feeling. I went before the trucking association to sell them on Drive Clean. I know the feeling. I don't know whether you're still following that, but there certainly are pressures on the trucking industry—insurance pressures—especially the cross-border guys, and a lot of them are either using US plates or thinking of setting up on the other side of the border.

Mr Chauvin: I've been following that for probably 20 years.

Mr Barrett: Some of your other presentations on plant closures and workplace restructuring—maybe I'll focus on workplace restructuring in a more positive way. I'm thinking of Stelco, for example. In so many places, workplace restructuring is required, so many of the questions we get—those of us who are concerned about what Stelco is going through—are about where people's pensions lie, whether they're in a union or not in a union. We hear of mistakes, perhaps, that were made in the past in some of the negotiations as far as the kind of pension packages that are funded or weren't funded or that people may have or may not have.

Do you have any advice on either that situation, or maybe in more general terms? The present labour legislation: Are there barriers in place that are preventing organizations or companies and unions from working together to do any necessary restructuring as the world moves on?

Mr Chauvin: You've asked a couple of questions, and I'll start with the last. I think you asked whether there are any structures or things in place that prevent employers and unions from discussing and working

together to resolve problems. I'm not aware of things that prevent the parties from working together. Throughout the years, any number of processes have been put in place to facilitate discussion.

In the question you asked before that, you were alluding mostly to pension plans and whatever as a result of restructuring. That is a very complex issue. You'll note that in the statutes that I said I work with and know about, I did not list the pension statutes, so I really can't offer much of a response on that.

Mr Marchese: Mr Chauvin, I just wanted to rephrase a question I asked of Mr Anderson. There have been many changes over the last 14 years in terms of Ontario labour relations. Do you have an opinion on those changes, in terms of how they have affected labour relations generally or specifically?

Mr Chauvin: This is my answer, but it happens to be the answer that I think Mr Anderson gave. I will respond to your question with regard to the past, but with regard to my opinion in the future, assuming that I am appointed to the labour relations board, I don't think it's appropriate. I consider myself, at this point, to be neutral.

As far as the past goes, we've seen a number of governments elected and enter into a regime of new legislation regarding labour relations. Subsequently it was really referred to, starting with Bill 40 and then Bill 7, as the issue of the balance, because those revisions were so substantial that you could consider them as starting to affect the overall balance, whereas other amendments earlier were piecemeal and probably didn't affect the balance very much.

Determining the balance for labour relations is such a large issue, so multi-faceted, that it's really a question that is more worthy of a thesis than what I could provide to you at this point in time. Determining a balance is an incredibly relative thing, not an absolute concept. I can say that in my years of practice dealing with those various statutory regimes, I did accept the legislation as it was passed and as it was before me, and work with the legislation. I did not spend a lot of time making opinions about the rightness or wrongness of the legislation.

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Mr Marchese: I appreciate the answer, again. In terms of an answer to future changes, the Minister of Labour recently released a discussion paper ending the 60-hour work week and soliciting public input concerning two possible models for overseeing extra weekly hours. I'm not sure you've had a chance to see that or whether you have any advice to the minister in that regard.

Mr Chauvin: I've seen it. As to whether I have any advice, I think that enters into the area of whether I should be expressing my advice now, in the new role I will be in. I think it brings very new responsibilities and obligations. I don't think it's appropriate for me, at this point, now, to be giving opinions to the government.

Mr Marchese: I understand. Thanks, Monsieur Chauvin.

The Acting Chair: The government caucus has five minutes if they wish.

Mr Parsons: No questions.

The Acting Chair: Thank you, Mr Chauvin. You can step down.

We will now consider the intended appointment of Ms Little as public-at-large member, Niagara Escarpment Commission.

Mr Parsons: It is my pleasure to move concurrence in the appointment.

The Acting Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion on the appointment? All in favour? Carried.

We will now consider the intended appointment of Mr Anderson as vice-chair, Ontario Labour Relations Board.

Mr Parsons: I would move concurrence in the appointment.

The Acting Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? Seeing none, all in favour? Carried.

We will now consider the intended appointment of Mr Chauvin as vice-chair, Ontario Labour Relations Board.

Mr Parsons: It is my pleasure to again move concurrence in this appointment.

The Acting Chair: Concurrence has been moved by Mr Parsons. Any discussion? Seeing none, all in favour? Carried.

Mr Dunlop: Mr Chair, before you adjourn the meeting I'd like to make a motion, please. Under the standing orders, clause 106(e), page 74 of the standing orders, we as members of this committee are empowered to ask for a review of certain committees that are under the jurisdiction of the province of Ontario. To the members of this committee, I move for unanimous consent to have this committee review the Ontario Securities Commission in its entirety.

The Acting Chair: I'm sorry. I think the motion is out of order. It's against standing order 106(e)(10).

Mr Dunlop: I'm sorry. I'd have to have a clarification on that. I think it's very clear that you are—

Mr Marchese: Could you read that for us? What does it say?

The Acting Chair: "A report that the committee will not review an intended appointee shall be deemed to have been made by the committee and adopted by the House in any of the following cases....

"(b) the subcommittee does not at its first meeting following the day on which the minister tables the certificate select the intended appointee for review."

Mr Dunlop: Mr Chairman, I'm not dealing with any intended appointees. I'm dealing with the operation of the Ontario Securities Commission in its entirety. I'm moving for that, to have this committee unanimously consent to review it. It's as simple as that. For a government that's looking at democratic renewal, I think this is something—I'd like to see the two vice-chairs come to this committee.

The Acting Chair: Concurrence?

Mr Parsons: No.

Mr Dunlop: So much for democratic renewal.

The committee adjourned at 1105.

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Wednesday 7 April 2004

Journal des débats (Hansard)

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 7 April 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 7 avril 2004

The committee met at 1004 in room 151.

ELECTION OF CHAIR

Clerk of the Committee (Ms Anne Stokes): Good morning. Honourable members, it is my duty to call upon you to elect a Chair. Are there any nominations?

Mr Michael A. Brown (Algoma-Manitoulin): I nominate Mr Berardinetti.

Ms Stokes: I've called upon the honourable members to elect a Chair. We have one nomination. Are there any further nominations?

Mr Gilles Bisson (Timmins-James Bay): To that point, I just want to put on the record again is that I recognize the government has a majority on this committee, and if we in opposition were to nominate an opposition member to chair this committee—

Interjection.

Mr Bisson: Thank you very much, Mr Qaadri. Your long-standing tradition and experience as a parliamentarian is really appreciated here. I just want to put on the record that this particular committee has always been chaired by an opposition member for good reason, because it's an oversight committee. I would dearly love to be able to nominate one of the Conservatives to chair this committee, but I understand that the government has the majority and, again, they're going to use their majority to appoint a government person to oversee what is an opposition committee. I want to say that I object to this process.

Ms Stokes: You may make a nomination, Mr Bisson.

Mr Bisson: I nominate my good friend over here.

Ms Stokes: Ms Scott? Are there any further nominations? There being no further nominations, I will hold the election on the nomination of Mr Berardinetti as Chair.

All those in favour? Opposed? That is carried.

Mr Berardinetti, would you like to come forward?

Mr Bisson: For the record, the opposition voted against.

The Chair (Mr Lorenzo Berardinetti): Thank you and good morning.

Mr Bisson: On a point of order, Mr Chair: I want to welcome you to the chair. I want to make it clear that I don't have a particular problem with you as an individual.

The Chair: We get along.

Mr Bisson: We get along. I recognize that all members here are honourable and are trying to do the right thing, but I really want to say for the record that this is normally, and has always been, a committee that is chaired by the opposition because it's an oversight committee on government appointments. I really object to the process of having a government member head up this committee. This is something I plan on raising yet again with the House leaders, and hopefully one day we'll resolve to get this committee back the way it should be, chaired by an opposition member so that we don't give the appearance that the government not only controls the committee by way of its majority, but by way of controlling the Chair. I don't think that's healthy for democracy, and it is not healthy for this government either.

Ms Laurie Scott (Haliburton-Victoria-Brock): I'd like to congratulate you also on being Chair. Again, I want to reiterate our caucus's concern about having a government member as Chair of this committee. I think it's 136 years in this country that there has been an opposition Chair. I want to make that point.

Interjection.

Ms Scott: OK. It's been a long time in history that there has been a non-government Chair for this committee. It's nothing against Mr Bernadetti.

The Chair: It's Berardinetti, but you can call me Mr Chair.

Ms Scott: It's more about the principle. "You can call me Mr Chair." I noted that. I just want to make that point.

SUBCOMMITTEE REPORT

The Chair: Our first order of business is the report of the subcommittee on committee business, dated Thursday, April 1, 2004. Do we have a motion to adopt? Mr Brownell.

All those in favour? Opposed? The motion is carried.

INTENDED APPOINTMENTS

MOREEN MILLER

Review of intended appointment, selected by official opposition party: Moreen Miller, intended appointee as public-at-large member, Niagara Escarpment Commission.

The Chair: Our first interview is with Moreen Miller, intended appointee as public-at-large member, Niagara Escarpment Commission. Ms Miller, good morning.

As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there are questions from members of the committee. At our last appointment review, we started the questioning with the third party. We will continue the questioning today with the government caucus first. At the next meeting we will begin with the official opposition going first. Each party will have 10 minutes allocated for questions and we will go in rotation. As is also the practice of this committee, any time that you take in your statement will be deducted from the time allocated to the government party. Once again, welcome. You are allowed to make an opening statement, if you wish to.

Ms Moreen Miller: I am pleased to be here today to discuss my proposed appointment to the Niagara Escarpment Commission.

I currently live in the village of Alton, just north of the escarpment in the town of Caledon. I was born in rural Ontario and I'm the third generation of my family to live in the Alton area. I live in a designated historic building and have worked closely with the heritage staff of the town of Caledon as we restore our building. When my family and I are not recreating and working on our house, we spend a lot of time on the escarpment.

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I have an academic background in geology and landscape architecture. I'm currently a practising landscape architect and full member of the Ontario Association of Landscape Architects. During my career, I have worked in the public sector with the Ministry of Natural Resources, in the private sector as a landscape architectural consultant and an expert in land and resource management, and for an industry association as an environment and resources manager. My career has generously provided me with the opportunity to see proposals, suggestions and ideas from several different seats at the table. I believe this has greatly enriched my understanding of the complexities of land management.

I've developed significant expertise over the years in land and resource management, and have served as both the Canadian president and the international representative of the Canadian Land Reclamation Association. Teaching others about the opportunities of landscape was part of my work over a four-year period at the University of Guelph, where I taught a course in land reclamation design to the undergraduate students of the school of landscape architecture.

My current role in land and resource management for Lafarge affords me the opportunity to develop and implement sound land management practices, both at the local level and throughout North America. I am part of a world-wide initiative on rehabilitation practices that has given me insights into land reclamation activities around the world. I believe that my knowledge, skills and experience in the aggregate industry, as well as my understanding of reclamation science, will greatly assist the commission in reviewing and considering aggregate resource extraction within the Niagara Escarpment.

I'm currently a director of the Alton Grange Association, one of two community associations in the province that have entered into a long-term management plan agreement with the Ontario Ministry of Natural Resources on a 350-acre tract of land adjacent to the village of Alton. The property contains provincially significant wetlands, two branches of the Credit River, a side trail of the Bruce Trail and a regenerating mixed upland forest.

The association consists entirely of members of the community. As we approach our third year of management, I feel strongly that we have contributed greatly to the future of the Grange property as a protected natural area for future generations to enjoy.

My work with the Alton Grange Association mirrors many of the challenges that I believe face the Niagara Escarpment Commission in the future: increasing pressure to consider new and more invasive land uses on the escarpment; managing a regulatory body with limited resources; continuing to support scientific research to fully understand what ecosystems the escarpment lands support now and what ecosystems they could support in the future; and how to incorporate socially responsible development within the philosophy and guidelines of the Niagara Escarpment Plan.

I view my proposed appointment to the commission as an opportunity to apply my knowledge and professional experience to the challenges facing the escarpment. I look forward to that positive contribution. Thank you for your time.

The Chair: Thank you. We'll move to the government. Are there any questions?

Mr Brown: I have had some acquaintance with you over the years and know of your long-established credentials in the field of reclamation in particular. Could you perhaps elaborate a little bit more? I'm very interested in the Alton experience, which seems to be particularly suited to your qualifications.

Ms Miller: The Alton Grange Association was established through a unique opportunity where the Ministry of Natural Resources recognized there was an opportunity to have some local commitment and to have the community actually manage and rehabilitate a property. The property was given to the Ministry of Natural Resources in 1972. It sat largely unmanaged: fences falling down and a number of other things going on.

We took it over and we have worked very hard to do a lot of reclamation work along the creek. We've planted about 12,000 trees there over three years. It has really galvanized our little community to have a local environmental project to work on. I believe it has really been a positive thing for the community, and to establish my reclamation activities and my expertise in that area.

The Chair: Any other questions? We'll move on to the Conservative Party.

Ms Scott: Thank you for coming here today, Ms Miller. I see you're a graduate of Sir Sandford in Lindsay, or Peterborough?

Ms Miller: Yes, many years ago.

Ms Scott: And you worked with the MNR in Lindsay.

Ms Miller: Yes, I did.

Ms Scott: That's great. That's in my riding.

Ms Miller: Is that right?

Ms Scott: So welcome. It's nice to have you here today. I noticed that you work for Lafarge Canada, the aggregate resources company.

Ms Miller: Yes, I do.

Ms Scott: Do they have any interest in any of the lands around or near the Niagara Escarpment?

Ms Miller: We do own land on the escarpment, yes.

Ms Scott: Do you see any potential conflict, or would you be able to excuse yourself from any proposed interests that Lafarge has with the Niagara Escarpment?

Ms Miller: Yes, if there were proposals coming forward that were adjacent to our involved lands owned by the company, I would certainly have to excuse myself from that situation.

Ms Scott: Do you know of any at present?

Ms Miller: We do own a 570-acre tract of land in the escarpment. It is completely protected. We've owned it since 1969, I believe. It is in fact under lease to the Bruce Trail Association. Part of the Bruce Trail goes right through our property. We have no intention of mining it in the future. It's a land holding held by the company, with some sentimental value, I think.

Ms Scott: All right, thanks. How did you hear about the appointment?

Ms Miller: My name was forwarded to the minister's office for consideration, along with a number of other names, by the Aggregate Producers' Association. I was not aware of the list being sent at the time. I was made aware after that.

Ms Scott: There's a lot of controversy about where the Niagara Escarpment Commission's power ends and where the powers of local municipalities begin. Where do you think the line should be drawn? Should municipalities be able to request local responsibility for enforcement of the Niagara Escarpment plan, for example?

Ms Miller: My knowledge of the details of the Niagara Escarpment plan is limited at this time. My understanding is that municipalities could request that. I believe that the regulation is in place and the commission would be required to follow the regulations.

Ms Scott: Has there been a lot of involvement with municipalities around there seeking more—

Ms Miller: I am not aware of any.

Ms Scott: OK, nothing from Lafarge.

On March 31, Minister Ramsay announced the intent of increasing alternative energy sources such as wind farms. I understand that there's a $150-million proposal for a commercial wind farm on the escarpment at Blue Mountains. Are you familiar with that?

Ms Miller: I'm only familiar with what I've read in the paper. I'm not familiar with the details.

Ms Scott: Do you believe that's consistent with the Niagara Escarpment plan as it exists now?

Ms Miller: Unfortunately, I'm not familiar enough with the specific policies of the plan at this time to comment on that. Again, I think the regulation is in place and I think that if power generation of that sort fits within the guidelines, then it should be considered.

Ms Scott: Do you think they could work? Do you think a lot of changes need to be made with the plan? Is the wind power going to be as asset, a benefit? In principle, without going into details, would you be supportive of that type of thing?

Ms Miller: In principle, I think the plan is the plan. Changes to the plan, I'm sure, are considered from time to time. I can't say for sure that that change should be or would be considered. I'm afraid I can't comment on it.

Ms Scott: That's fine. Thank you.

The Chair: Is that all the questions?

Ms Scott: Yes, Mr Chair.

The Chair: Then we'll move on to NDP.

Ms Marilyn Churley (Toronto-Danforth): Thank you very much, and welcome. I don't normally sit on this committee, but because I have such a big interest in the Niagara Escarpment and conservation and land use planning, I thought I'd come in and meet you because I suspect that at the end of the day you will be appointed. From what I've heard about you, I think it's a very good recommendation, and I'm pleased that you will be there.

I know when you're just coming on to a commission, you don't have all the answers and you have a learning curve. So I don't know if you'll have a particular answer to this question, but I'm going to talk about it anyway.

Windmills were mentioned. I've been really alarmed by something that happened that you may or may not have heard about; I've certainly been making noises about it. The previous commissioners, some of them under the previous government whose appointments were going to be up in three days or so, made what I consider a very unwise decision and, in many people's view, does contravene the act, and that is to make an agreement to allow a small town to be built. We refer to it as the Castle Glen development. That would include 1,600 new residential units, 300 commercial units, the first new, year-round town that could be built on the Niagara Escarpment since it started being protected in the 1970s. I'm just wondering if you have any views on how you might consider a new commission might deal with that, or do you have any views on how it should proceed from here?

1020

Ms Miller: I think one of the biggest challenges that the commission will have moving forward is to manage the increasing land use pressure in southern Ontario. I view the Niagara Escarpment Commission—and the lands are protected by a statute in the province. I believe that statute exists for a reason. I think it functions and plays its role. Should there be additional development within the Niagara Escarpment area, I think the plan and the regulations speak to that. Unfortunately, I can't com-

ment on the Castle Glen development because I'm not aware of the details. I think the role of the commission is to administer the plan and play by the rules there.

Ms Churley: I know this is difficult, being new, but from what you understand about how the commission works, would you consider supporting a review of that decision by the previous members, if requested, or—

Interjection.

Ms Churley: Excuse me?

I'm sorry for the interruption from my Liberal colleagues over there.

I say to the members who may not understand why I have this line of questioning, let me explain. I've asked the Liberal government to include the Niagara Escarpment as part of the zoning order coming under their new greenbelt. They are refusing to do that. I've been told that they were wanting to ask the new commissioners to reconsider the decision made by the previous commissioners—just so you know where I'm going with this—and it has been indicated to me that that's a very unusual thing. It would be a way out for the government, essentially, a very unusual thing for a new set of commissioners to do, but it's something that I believe you might be asked to look at. That's why I'm asking that question.

Second, this is already before the OMB, and I asked the question to the government about putting a special ministerial zoning order, including it under the greenbelt, or whatever, for now. The answer has been, "It's before the OMB. We can't deal with it." I'm extremely concerned, as we all should be, that somebody somewhere find a way to take some responsibility for this. That's why I'm asking the question. It's something that, should the government ask you as a new commissioner to reconsider—are you sufficiently aware of the issue and concerned enough about it that you might consider that?

Ms Miller: I'm not at this point sufficiently aware of the issue. I have not been involved in the commission up until this point. I think it would be inappropriate of me to suggest that I would have the skills or the understanding of the issue to make that kind of judgment, but I can't say for sure until I move forward and have reviewed some of the information. Again, I go back to, if it fits within the existing statute, then the decision has been made, I guess.

Ms Churley: OK. You may have heard about the controversy about this.

Ms Miller: I've read the paper, but nothing more.

Ms Churley: I just wanted to bring it to your attention. So thank you very much for your time.

The Chair: Thank you. That concludes the questioning. You may now step down.

ERIC JOHNSTON

Review of intended appointment, selected by official opposition party: Eric Johnston, intended appointee as public-at-large member, Niagara Escarpment Commission.

The Chair: Our second interview is with Eric Johnston, intended appointee as public-at-large member, Niagara Escarpment Commission. Mr Johnston, you may now come forward.

As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there are questions from members of the committee. The rotation will be the same as previously, beginning with the government party, then the Conservatives and the NDP. Since the government party went first last time, I believe the Conservative member would go first, then the NDP and then the government with questions with any time that's left over. In your initial 10 minutes, any time you use in making your initial statement is taken away from the government time in terms of asking questions. So welcome once again. You may begin.

Mr Eric Johnston: Good morning. My name is Eric Johnston. I come from the Anishnabek reserve, Cape Croker, which is located on the Bruce Peninsula along with the sister reserve, Saugeen. I have three kids: two boys and a little girl.

Ms Churley: I hope they're not watching.

Mr Johnston: She makes as much noise as the two boys.

I've gained a lot of experience working with—some of what I'm saying is contained in the resumé. I've worked for five of the national chiefs with the Assembly of First Nations, either as a researcher or a technician, dealing with natural resource management issues.

During that involvement I was asked to participate in a number of conferences dealing with the convention on biodiversity, again providing technical support as well as aboriginal consultation on issues they were encountering at the convention. With the restoration of a subsistence commercial fishery around the Bruce Peninsula, we've had to deal with a lot of the ethical questions on development and how rights would be interpreted, or how values would be consolidated within the community in terms of how they were going to develop the fishery. So I've been a partner and extensively involved with a lot of jurisdictional resource issues.

The other thing I'd like to add is that during the stay with the Assembly of First Nations, I've had the opportunity to travel through the States and deal with agencies. For the last 10 years I've been trying to work in multi-jurisdictional settings and the conflicts that come up when agencies share mandates in how to bring about consensus so that decision-making can take place.

I'm very aware of traditional environmental knowledge and I feel it can play an important role to support the fundamentals of the escarpment planning.

I would just end there and leave myself open for any questions.

The Chair: Thank you, Mr Johnston. We will begin our questioning with the Conservative Party.

Ms Scott: Thank you for coming today, Mr Johnston. I will go back to the question, how did you hear about the opportunity to serve on the commission?

Mr Johnston: I've heard about the commission a number of times and that there are a lot of things par-

ticular to the Bruce Peninsula that were mentioned in the planning of it. I was excited and just had an overall interest in management issues and how the public has input to those kinds of decisions that basically they're left to live with. Overall, when David McLaren wanted to submit my name, I said yes because we'd worked on a number of situations where we were trying to work with an alliance of environmental groups to develop networking and information-sharing and those kinds of things.

Ms Scott: So, it's been through some different environmental groups you've been involved in. I'm sorry, you mentioned a gentleman's name and I didn't quite hear it.

Mr Johnston: David McLaren. He has been the information officer for my band for the last 10 years. He has always got his hand or feeler out there getting information and making sure we know what's going on as well.

Ms Scott: I thank you for all your work in the past with the environmental groups. Do you have a few things in mind, specific things about where you'd like to see the commission go? With your past work with the environmental groups and First Nations, is there anything you have in mind that you'd like to see developed further? I go back to public input with the municipalities. Has there been anything that has come to mind where you'd like to see the commission expand its planning, change some planning?

1030

Mr Johnston: I guess one that has always been a long-standing idea with me was, in the early 1900s, an extensive deforestation happened on the Bruce Peninsula and eroded a lot of the soils. A lot of the farms ended up not being viable, which kind of means you've got a lot of open farmland sitting there that originally started off as really healthy forests. Beavers remain active. I think that reforestation should be given another look, and not just a single-species type of forest that may be taking place in some parts of the country, but to begin to restore those lands to what their full potential was and retain a lot of the biodiversity that was there as well.

Ms Scott: I'll ask the question that I asked previously, also about the new plan for the commercial windmill farm on the Blue Mountains escarpment. How do you feel about that? Do you think that could work in with the escarpment's plan as it is now? Do you feel it's a positive step?

Mr Johnston: We've got a windmill near us in Ferndale. I understand that the economics surrounding that in making it a viable initiative is having its own share of problems. Windmills may not be the full answer. I think solar energy and those other things—I think a lot of it is to get the technology in the schools so that the kids and parents and other people can begin to do what they can and not be totally reliant on a single source of energy. I think it's just really getting the next generation in a better position to take on these responsibilities with the knowledge in their possession.

Ms Scott: So do you think that you'd be in favour of the windmill on the Niagara Escarpment? I know you're not on the commission yet, but do you think that it fits in with the plan?

Mr Johnston: I would feel that I'd want to go in and take a lot more extensive look into it. On the surface, I'm probably like most people in saying that it sounds really good, but if you have a big windmill, like a 2.3—I think that was the one they established here—and if it's not going to really launch what people are thinking, it could be just further burdening people who are already in a difficult economic climate.

Ms Scott: You seem to be very well qualified and to have some good plans, especially with your background in mind. So thank you for coming.

The Chair: Thank you. We'll move on then to the NDP.

Ms Churley: Thank you very much for coming this morning. It's a pleasure to meet you, and congratulations on your name being put forward. I think your background, the way you described it, bodes well for—you've been giving a very positive role on the committees, so I have no quarrels over that.

I'm just wondering if you have some knowledge and history of the constant conflicts between the Niagara Escarpment board and the municipalities from time to time, in terms of the two views of the Niagara Escarpment Commission, I believe: one that it's got too much power, and municipalities want more. There's always a lot of controversy around that. Do you have any particular views on how you should deal with that as a new member?

Mr Johnston: We're beginning to dialogue more and more with municipalities over concerns we hold in common. It's probably difficult to take a principle to some kind of conclusion unless you're dealing with a real specific site and instance. So I'm not really sure. This isn't the best answer I could come up with this morning, but I think that municipalities should be seen as partners, because it's kind of like your next step into the actual home, instead of people who make up these communities. People are really stressed to have information come to them. Again, one instance on how I see people working together is that our people place a great value on the eagle. Eagles are starting to reappear in the immediate area. Eagles aren't considered part of the endangered species. We feel that because of the value we place on this, we would like to take action before they even become a candidate. So I'm thinking that if we can talk to municipalities along those lines about how plans get implemented, about what are the supporting values for the planet, I think you—

Ms Churley: So essentially you support the plan's basic principles. I think what I hear you saying is you want to work with the municipalities, but you support the principles. We have had, under the previous government—I've sat here, and there have been people who were appointed who have come right out and said, "No," who don't even support the principles of the plan. It's important to me that you do support those principles.

Mr Johnston: Yes, I would say if there's an opportunity to live to the principles, you make the distinction between—I'm really looking at how bands and municipalities deal with stuff. You have to agree on the principles.

Ms Churley: Right. Can I ask you, before I close my questioning—again, I don't want to put you on the spot to have to answer a question that's so new to the commission, but just as I mentioned earlier, there's going to be and there is a big controversy over the so-called Castle Glen Development Corp. I believe that it's going to come back. It's going to come before the new commission. More than anything, I wanted you to be aware that this is something that I think was wrong of the previous commission to do. I don't know if you know much about this proposal and if you have any views on it at this point.

Mr Johnston: Just listening to the previous discussion, if it were up to me, I probably would ask for an opportunity to see if a review was even going to be wanted. If you're going to look over the same information, and you don't see any other contributions you could make to questions that could've been asked or should've been asked, or information that should've been brought into the discussion, if you can't provide any more to what's already been talked about, then you're really just wasting people's money and time, because there isn't any new discussion possible without any new information starting to show up that would influence what was being said one way or the other.

Ms Churley: But if there were, if you were to find out that some of the other commissions, in fact, did not abide by the principles of the plan and decisions were made, if you were to review it and find out that some very serious mistakes were made in terms of interpreting the plan, would you then consider reviewing it?

Mr Johnston: I would take the time. I would at least, for my own two cents, take the time. What's wanted is an enduring, embraced decision, and whether it's going to be a no or a yes, I think you've got to—

Ms Churley: So you'd be willing to at least take a look at it, review it and see, in fact, if there were, under the previous commission—not the new one, but the previous one—perhaps some mistakes made in there, according to the principles of the plan?

Mr Johnston: Oh, yes. Given all the discussion that we're having here on it this morning, I probably will go and take a look at it and see.

Ms Churley: Good. Thank you very much.

The Chair: Are there any questions of the government party?

Mr Shafiq Qaadri (Etobicoke North): Just very briefly. Mr Johnston, it's a privilege to have you here. I was intrigued not only by your background, having worked in extensive community service, the national projects and environmental protection, but also the extra insights that you bring as a member of the Chippewas of Nawash Unceded First Nation.

I wanted to ask you, your traditional knowledge of native culture—I've also noticed, for example, you've had extensive consultation with the First Nations leadership in the United States, Canada and beyond. Can you share with us any perspectives, added insights or life philosophy that you might be bringing to the table?

1040

Mr Johnston: It's really hard to go into the deep end of the pool, except that the relationship that I try to honour is a reciprocal one. It's a sacred relationship with the land, and that's what would make our identity different and that's what would really add the contribution.

Again, it's hard to talk about when the spirits of the land come to visit you. They come to sing to you and they come to give you things that you're supposed to take into your life. Every plant has a song, every plant has a colour, and you learn those songs and you accumulate those things.

I can only tell the people here that if you go out there and you offer yourself to that land, I think the only thing that is really required is that you love it. It's a relationship that's not necessarily unique to aboriginal people, but I think it's a relationship that we may have to revisit—all people. What's really needed is to take the spirituality of the land back into our lives.

Over the last 100 years, every time we've tried to talked about our spirituality we were always viewed with the Pepsi-Cola generation view on things. Then you go out there, and when those spirits do come, that will change your life utterly and completely and you won't be able to separate your identity from the land any more because it would have come and claimed you as part of them and given you that place.

We were talking about this with a neighbour of mine last night. We were saying that in all the creation stories you hear, man was always the last one to arrive. We've always interpreted that as man being the last one to be given rights and a place here. It's always man who has to struggle to try and find that place and purpose. I think that's a good outlook.

Mr Qaadri: I want to thank you for sharing that. I hope that perhaps all of us here at Queen's Park may take that idea of a sacred trust and sacred assets. Thank you.

Mr Brown: Eric, good to see you. I just want to commend you on making the commitment to an important commission of the government of Ontario that touches the lives of many people, not just in this province but probably across the world, it would be fair to say. I just wanted to thank you for coming and volunteering your time to work on this commission. Meegwetch.

Mr Johnston: Thank you.

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): I'd like to congratulate you too for taking the time to come over. I really appreciate the interest that you've shown in this commission, especially in answering the question that was addressed to you by Ms Churley. You said you would like to bring new ideas to the commission. I was just wondering: In the past, were you ever approached by other group or commission members to be part of a commission similar to this one?

Mr Johnston: No. The only other instance I've worked with government was, as an aboriginal-Canadian delegate I travelled to a convention on biodiversity. Other than that, I've had no affiliation.

Mr Lalonde: Never in past years were you ever approached to be part of a commission and to contribute the experience that you have in working on the reserve and also in the natural resources areas?

Mr Johnston: Maybe if I were on shore more. I'm a fisherman. When you disappear on one of the boats, you're pretty much gone a lot of times. There isn't much room, other than for raising kids and trying to get home as soon as you can. But I've been like that for the last seven or eight years, so a lot of the experience that I've accumulated prior to moving home has pretty much just been sitting with me on that boat in the middle of the bay.

Mr Lalonde: I have to say that I really appreciate the interest you are showing in this commission.

The Chair: Thank you, Mr Johnston, for your presentation. You may step down.

DANIEL BURNS

Review of intended appointment, selected by official opposition party: Daniel Burns, intended appointee as chair, Ontario Realty Corp board of directors.

The Chair: Our third interview is with Daniel Burns, intended appointee as chair, Ontario Realty Corp board of directors.

Mr Burns, you may now come forward. As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there are questions from members of the committee. Each party will have 10 minutes allocated for questions, and we will go in the rotation. The first that will have questions will be the NDP, then it will go to the government party, the Liberals, and then to the Conservative Party. Any time that you take for your statement will be deducted from the time allocated to the government party.

Good morning and welcome. It's nice to see you here.

Mr Daniel Burns: Thank you very much, Mr Chairman, and good morning to all. I have only a couple of very brief remarks that I'd like to make at the beginning. You have a brief outline of my own professional background with you. I think the important things to raise here are that, first, I have a background in the principal responsibilities of the corporation. I'm a town planner by profession and I practised my profession for a long time at the city of Toronto. I'm still a member of the institute.

The second responsibility of the organization of course is to be the real estate expert and arm of the government and to support the work of ministries. In that regard, as the long-time deputy, I was a client of ORC for a very long time.

Third, I have served on this board previously as an ordinary director, so I think I have some understanding of the history of the organization, its development and its current strengths and weaknesses.

I think I bring to the possibility of undertaking this role quite a considerable history and background in the issues and responsibilities of the ORC itself.

The Chair: We'll begin our questioning with the NDP.

Ms Churley: I almost have to declare a conflict of interest here. This is a constituent of mine. Mr Burns and I know each other from city hall as well. I don't know if you mentioned your work at city hall, specifically.

You mentioned that you have a long history with the realty corporation. You mentioned that you know its strengths and its weaknesses, probably more than the rest of us, although we know some of the very public weaknesses that came out over the past several years. I'm wondering if you can outline what some of those are and the kinds of changes you would like to see happen.

Mr Burns: This doesn't apply just to ORC but also to my observations of Public Works Canada, which is responsible for federal real estate assets, and to the property department at the city of Toronto, another organization I got to know intimately.

Real estate management operations in the public sector have a long tradition of being bureaucratic, inflexible and not tremendously imaginative and creative in the way that they've managed assets or used them. For a long period of time, all three levels of government have tried to figure out if they could reorganize the way their responsibilities are managed to get better results: better results in terms of cost-effectiveness of the work done, better results in terms of support of public policy decision-making and better results in terms of the quality of service. ORC is no different. The efforts to figure out a better way of doing this go back a long time, at least 15 years.

At the time that you were in government, Ms Churley, the government actually decided that the better way to do this was to end the approach of managing real estate assets as a government department and, rather, create an agency that was dedicated to this purpose, and created the legislative foundation for doing that. Then in the time of the Harris and Eves governments, that process of transforming the civil service into a corporate body with specialized expertise was completed and a new set of business practices put in place to try to improve the performance of the organization. They included a much more sophisticated way of assessing the options you have for existing real estate, which assets might be sold and how to do it, a conversion of the property management function from direct public service to contract in large parts of the province and a big emphasis on trying to improve what we called the fundamental public administration responsibilities of the organization: client service.

1050

When I first became the deputy minister in 1991, the average turnaround time for a request by a ministry to reorganize space was 18 months. Even though ministries are not presently as happy as they might be with the ORC, the present turnaround is one heck of a lot better

than that. It has been a long-term effort, and the ultimate goal was better public administration, more cost-effectiveness, better management of assets. Those are still the key goals.

Ms Churley: That was very insightful, thank you. I'm just wondering how you see the fact that it is a separate agency now and how that should interact with the government and public policy; for instance, its role in providing land for affordable housing.

Mr Burns: I guess the first thing I would say is that crown corporations, while they have the ability to use methods widely used in the private sector, are not actually private companies. They still operate in a public policy framework. They still operate within business practice requirements laid down by Management Board and they still often need to use public-sector-style business practices that relate to transparency and the type of audit practice we have in the public sector. So while you have a corporation, you don't have one that's completely private; you have one that's transformed in that way.

Now, a crown corporation will always have the responsibility of ensuring that its activities operate at a high standard. Whether or not it plays a role in broader public policy is really a choice that's in the hands of the cabinet and the government of the day. If the present government is looking for support in assessing options related to ideas such as the one you've raised, then the corporation is obviously one place where you might go for expertise, but it's not really the role of a crown corporation to put up its hands and say, "Government, we think you should be looking at public policy our way." Rather, it should be operating effectively to support public policy development and execution created by the government itself.

Ms Churley: Thank you very much, Mr Burns.

The Chair: Any further questions from the NDP? We'll move on then to the Liberal Party.

Mr Jim Brownell (Stormont-Dundas-Charlottenburgh): Thank you for your presentation. With the information that's provided in your resumé and in what you've provided here, you certainly have the knowledge and the understanding, and you imparted that very well. You have learned lessons in your work with ORC in the past, and I'm just wondering what would be the biggest lesson learned that you would bring to the position as chair. I wonder if you could just—

Mr Burns: You must never abandon a strong focus on improving the quality of the basic functions of an organization. It's never done in a big public service organization. The big commitment to outstanding public administration has to be there top to bottom all the time, and with that, the realization that it takes time to transform the fundamental approach to public administration in a big organization. It's a second reason never to lose your focus.

Sometimes people think if you've got some new ideas worked out for public administration and you've decided to pursue them, then that's really it. But it's only the beginning of a significant road; getting your ideas straight then takes a big, consistent effort and a constant commitment to excellence to get to the end.

Ms Smith: I've noted, upon reviewing some briefing notes about the ORC, that the salary baselines have increased dramatically over the last three years of the last regime, and I just wondered, given our present fiscal situation, what you feel your mandate is with respect to that. I also wanted to comment—just in your opening comments, you spoke about the use of consultants. I believe you were speaking of the proliferation of consultants assisting the ORC. I just wondered what your position was with respect to those two issues moving forward.

Mr Burns: First, I should say that when I was on the board before, we had a preliminary discussion of what sort of compensation program would make sense when we became a crown corporation. I was not there for the complete conversion of the organization. Second, we had several policy debates on the question of what's the right split between permanent staff in the corporation and the retention of expertise, whether that's lawyers or real estate brokers or any other type of specialized service that exists in this marketplace. So I'm not acquainted particularly with the current arrangements, but I'm sure that the board at some point got professional advice on a compensation scheme for its functions. Assuming that all the confirmation steps are taken, it's on my early list to look at the policy structure for both the compensation and the split between in-house work and contracted work.

But in principle, one of the reasons you consider taking functions out of the conventional public service and putting it in a specialized agency is to make it possible to address the question of recruiting and retaining the right executive professional staff, both permanently and temporarily, on a basis that's related to the function of the organization and not related to the policies of the whole public service. Many, many crowns have taken professional advice. These are not secret processes. You do these deliberately.

Having said that, this is another one of those subjects where you don't just do it once and then just let it sit in a cupboard. You should revisit it on a regular basis to ensure that both your compensation plan and your policy on the split between internal resources and contracting is still cost-effective and in the best interest of the corporation. As I said in the middle of my remarks, learning my way through this piece is on my agenda early on.

Mr Brown: I was delighted to hear you talk about the difficulty of organizing large organizations, whether they be public or private or, in this case, kind of the hybrid of that. I represent a constituency that is primarily made up of very small municipalities spread over a very large area, and one of the difficulties we've all experienced—the constituency in Killarney is an excellent example of that. It's a community of 300, maybe 400 people. By the way, it has the best fish and chips in the province—probably the world. It has always had some difficulty with government housing that is available in the community that has been, for example, used by the OPP detachment

for their officers in the community. The problem has been when there are vacancies—and right now, there are quite a considerable number of units available—we never seem to be able to use them for the visiting nurse or the teacher who has come to live in the community, because housing is a very difficult commodity to come by in these small villages sometimes.

It has always been a source of frustration with big organizations. I'm not even sure you're managing these particular units at the moment, but to free those up—in my view, it's one of those big organizations that don't see much cost-benefit in dealing with this, whereas the small municipality and the community sometimes see that. We also see that in other sort of office situations in other communities. Tell me what your view on efficiency is. Efficiency from my point of view is often that they can deal with these relatively, from the big corporations' viewpoint, not terribly important areas.

Mr Burns: I think, traditionally, public sector property operations conceived of themselves as in charge of your property and regulating it and telling you what to do and you had to kind of beg them for help. A private sector real estate company in the last 15 years has transformed itself by and large into an organization that puts its client or customer first. Another way of looking at the reason for the changes that have gone on in all public sector real estate operations is to try and get the organization off its we're-in-charge-and-we-regulate-you philosophy and on to one that had a much larger component of client-based service and practice.

1100

Because it's public sector, there will still be a mix. The ORC still has to enforce general rules on space utilization by ministries, for example. But it has been one of the long-term objectives at ORC to move to a client focus. That means getting better and better at dealing with small problems at the doorway and less an attitude of, "Well, you have a problem; I don't," which 15 years ago was all too common.

So there's still a balancing act but it is embedded in the new idea of ORC that arose out of the work of the last two governments to make it more client-centred. That's pretty important.

The Chair: We're going to move on to the Progressive Conservative Party for questions.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): Thank you for coming here today, Mr Burns. You're retired from the public service?

Mr Burns: I am. Two years.

Mr Tascona: Who approached you for this position?

Mr Burns: In the first instance, I got a call from a senior official in Management Board Secretariat with a very general question. They were canvassing a number of former public servants on the general question of whether they might be interested in serving on crown corporation boards where the perspective of a former public servant would be important. I said I was interested in that. As you can see from my CV, I've been on many crown corporation boards as a public servant before.

Then, about two weeks later, I got a call from the Chair of Management Board himself, asking me about this particular role. That led to a couple of conversations, and here I am.

Mr Tascona: I take it you knew the Chair of Management Board prior?

Mr Burns: I had an opportunity in my years here to meet virtually every member of the Legislature one way or another. I think I met Mr Phillips in this room. It was a little less civil, because I was defending a set of activities that had been looked at rather skeptically by the auditor. Yes, I had met him in that format before.

Mr Tascona: So you know him on a professional level.

Mr Burns: I've not met him outside of the way that work is handled here in this building.

Mr Tascona: What's the compensation for that position?

Mr Burns: Of a chair? As I understand it, the compensation arrangements are identical to the ones that you would have been familiar with in your time in government. The per diem is $300 a day for the chair.

Mr Tascona: Three hundred dollars a day. I'm looking at the salary information—

Mr Burns: So I've been told.

Mr Tascona: —for employees. So you're not necessarily an employee—

Mr Burns: No.

Mr Tascona: You're just chair.

Mr Burns: As far as I know, you don't get an employment status. In all my previous roles as director of a crown corporation, because I was a public servant, I had nothing to do with whatever the compensation arrangements were for citizen members of boards.

Mr Tascona: Statistics show that in 2000, there were about eight employees who were making greater than $100,000. As of 2003, it's now up to 45.

Mr Burns: Yes.

Mr Tascona: As you know, we're in a period of restraint. The MPPs are showing restraint by example. Do you have any opinion on where the salaries are going with respect to the ORC?

Mr Burns: As I indicated in my response to Ms Smith earlier, I was on the board when we started the process of trying to talk about a compensation plan for an agency that was more independent. But I wasn't there when it was finished, and I haven't seen the adopted compensation program for the senior staff.

But I do believe, as I indicated earlier, that that's not the kind of policy you put in place and leave there for five or 10 years. That's the kind of policy you have to look at every couple of years to ensure that it's still making sense, in terms of your ability to recruit the people you need, with careful attention to the roles and responsibilities of the organization itself. So it's high on my list of things to take a look at in this organization.

Mr Tascona: What's the term of your appointment? Is it three years?

Mr Burns: As I understand it, it's three years, which is the standard for this type of arrangement.

Mr Tascona: I'm going to ask you something about your vision for the Ontario Realty Corp. In my riding—I'll just give you an example of land use by the ORC. We have a jail in the city of Barrie which has been closed for a couple of years now; it's just sitting there. I don't believe there are any plans at this point in time, because I did communicate with the Chair of Management of Board in terms of that and he was kind enough to respond to me with respect to it being under review by the ORC.

You're a town planner by profession. What is your view in terms of the responsibility of the ORC to the community where the property is located to properly use the property as opposed to just leaving it vacant and it becomes not a positive to the community—it's one of your holdings, but to the community per se in terms of proper planning, whether you sell it or whether you use it or whatever?

Mr Burns: I think in the first instance, when it comes to those sorts of assets, all public bodies are going to be put to a higher standard of behaviour than private individuals or corporations, and they should be. These are public assets. Therefore, the work that's done by the organization in looking at options should be done in an open way and effectively with the local municipality and community.

The question of how active ORC should be in looking at options for an asset as opposed to just looking at the question of whether it should be sold or not, that piece of public policy framework, has gone back and forth over the years. Sometimes governments have wanted the ORC to be very active in those discussions and to perhaps even look at changing planning rules for a property before they sell it or lease it, and in other environments they've fundamentally said that if it's not a core government asset in the long term, the main job is to sell it in a reasonable way. But whether you have an active management of your surplus assets or you have a relatively quiet one, whichever method you're using, you still need to ensure that you go about your work meeting those tests that I've just described—transparency and a good dialogue with the local community—because you are a public body.

Mr Tascona: Do you have an opinion on how active the ORC should be under you as chair?

Mr Burns: I think the question of how to approach the question I've just described is a matter of public policy rather than the operational responsibility of the organization. I think the organization should tackle the assessment of surplus assets and what options are available within a larger frame of how the government of the day would like to proceed with those types of assets. So I don't have a specific view other than to say that if we're going to have a discussion about that, let's have a good discussion which is well informed and helps the government make a well-informed decision.

Mr Tascona: I believe the government has a responsibility. When you're dealing with larger tracts of land or larger buildings that are standing vacant, you do have a responsibility to have a time frame in terms of how they deal with that particular asset.

Mr Burns: In my time on the board, as part of the annual planning process—and the plan was sent to Management Board, so it was well understood there—there was a canvassing of the main assets in the hands of the ORC that were not in active use and were candidates for sale. So there was, if you like, a game plan every year for that.

Mr Tascona: Thank you. I believe Ms Scott has some questions.

Ms Scott: Thank you for coming here today, Mr Burns. On April 1, the government did a press release about "aggressively conserving energy in the province's own buildings through retrofits, upgrades and new building standards." Part of the mandate of the ORC is to provide the operations, maintenance and repair services.

Mr Burns: Yes.

Ms Scott: Do you have any idea—I know you've been on the board before—how significant an expenditure that is going to be?

Mr Burns: I don't know the answer to that. In past lives I have been involved in trying to create similar outcomes in housing programs, but never in commercial and semi-industrial buildings of the sort that are the ORC's responsibility. But there is a well-established marketplace in this area and there's also a well-established set of methodologies that give you an understanding of whether a particular investment has a payoff or not, and has been for at least 20 or 25 years, since both the general marketplace and public policy got interested in energy conservation.

Ms Scott: Is it going to require a lot of hiring, a lot more people to accomplish this?

Mr Burns: I don't know what discussion has gone on inside ORC more recently, but in similar programs that have been run for public buildings or for housing stock that is the responsibility of governments, typically the method that is used is a core team that organizes the program. The actual work is all done by a program of contracting of some sort or another.

Ms Scott: It's going to be a big challenge to do.

Mr Burns: Given that we've already experienced 20 years of efforts to reduce the energy consumption in public buildings, setting another goal to reduce it yet again—the longer you go on, the harder it gets to find these savings, but it's important.

Ms Scott: Thank you. Good luck.

The Chair: Thank you very much, Mr Burns. That concludes your time; you may now step down.

Mr Burns: Thank you, Mr Chairman.

1110

KELLY WADDINGHAM

Review of intended appointment, selected by official opposition party: Kelly Waddingham, intended appointee as vice-chair, Ontario Labour Relations Board.

The Chair: Our fourth interview is with Kelly Waddingham, intended appointee as vice-chair, Ontario Labour Relations Board. Ms Waddingham, you may come forward.

As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there are questions from members of the committee. Each party will have 10 minutes allocated for questions, and we will go in rotation. Any time you take in your statement will be deducted from the time allotted to the government party. After your statement, the rotation will be the government party first and then the Progressive Conservatives and then the NDP. Good morning and welcome.

Ms Kelly Waddingham: Good morning and thank you very much for having me here today. I'm honoured to appear before this committee, nominated as a vice-chair of the Ontario Labour Relations Board.

I intend to use this time to highlight briefly those aspects of my 10 years of practice in labour relations and employment law that qualify me for an appointment as a vice-chair of the Ontario Labour Relations Board.

In 1992 I graduated from Osgoode Hall Law School and articled at the Toronto office of Scott and Aylen, working with Raj Anand, former chief commissioner of the Ontario Human Rights Commission, and Beth Symes, former chair of the Ontario Pay Equity Commission.

In 1994, upon the completion of my articles, I was hired at Scott and Aylen. My practice was in litigation with a focus on labour law, human rights and professional discipline. The practice of labour relations interested me and continues to do so to this day, as it is one of the few areas in law and, in particular, litigation in which the parties' relationship continues after the hearing.

I left Scott and Aylen to join the firm of Ryder, Wright, Blair and Doyle.

At Ryder, I have represented employees in the public and broader public sector. I have acted as counsel in rights arbitrations pertaining to such issues as terminations, discipline, contracting out, layoffs, seniority, job postings and human rights.

I have also represented non-unionized employees through the legal assistance program of the Registered Nurses Association of Ontario. The RNAO is the professional association for nurses in Ontario. My work with the RNAO has included representing nurses in cases of wrongful dismissal, human rights, professional discipline before the College of Nurses of Ontario and coroners' inquests. I have been a regular guest speaker for the RNAO and I am a frequent contributor to the Registered Nurse Journal.

I have developed an expertise in complex, multi-party discrimination cases, in which there are numerous grievers and interrelated employers—for example, within the academic setting and health care setting. My years of experience have taught me that if these cases are litigated, they are expensive and lengthy, and a mutually agreeable remedy is rarely achieved. It is for this reason that I have always worked toward mediated settlements, with some significant success.

I have appeared before the Ontario Labour Relations Board, OLRB, on a broad range of matters, including applications for certifications, unfair labour practice complaints, duty of fair representation complaints, and successor rights. I have represented members of the RNAO in matters pursuant to the Occupational Health and Safety Act and the Employment Standards Act, two statutes over which the OLRB has jurisdiction.

My work before the board representing broader public sector unions in successor rights increased significantly as a result of public restructuring and amalgamations, which intensified beginning in the mid-1990s. Much of my work at the board has been in the area of hospital restructuring.

The Public Sector Transition Stability Act, 1997, or Bill 136, established a separate regime of successor rights governing matters arising out of restructuring and amalgamations in the broader public sector. Under this statute, the board gained new procedural powers allowing it to significantly streamline hearings, thereby reducing the length of hearings and encouraging settlement of these issues.

Successor rights cases are complex and involve interrelated employers and multiple unions. The restructuring and amalgamation of workplaces had meant major changes for employers, unions and their members. It is therefore of utmost importance that there are good labour relations once the restructuring or amalgamations have been completed in order to allow the parties to return to the primary goal of delivering public services.

It is in part my work as counsel in these large multi-party, complex cases which has led to my interest in becoming a neutral adjudicator. My experience has taught me that a balance must be struck between the parties to ensure harmonious labour relations. I look forward to the challenge of resolving the issues between workplace parties, ensuring that the legislated labour policies of the government are adhered to and helping the parties to establish fruitful working relationships.

The Chair: Are there any questions?

Ms Smith: Ms Waddingham, thanks for being here today. I too practised in labour and employment law, so I share some of your views on the complexities and the increasing complexities over the last few years. I was called in 1993; I see that you were called in 1994. I shudder to think that we're old enough to sit on the OLRB. I never thought the day would come.

I wanted to ask you about your 10 years of practice and, over that time, the changes in the legislation. I too was there from 1993 to 1997, and went through the changes from Bill 40 to Bill 7 and on and on. I just wondered if you could give us a quick overview of your perspective of those changes and how they impacted labour relations in the province.

Ms Waddingham: I have had the experience of working with three pieces of legislation since I have been practising law. Initially, of course, it was the Liberals'

legislation. Subsequent to that was the NDP's Bill 40, and subsequent to that was Bill 7. Each of them made very significant changes in labour policy and the manner in which the law was enforced.

I don't think it's appropriate for me to express my opinion at this point as to whether or not I think those changes were good or bad. I've certainly had the experience of working with all of them, but as a neutral and a nominee before you for vice-chair of the Ontario Labour Relations Board, it will be my job to interpret and enforce the legislation that is before me.

The Chair: Further questions?

Mr Qaadri: My question follows perhaps similarly from my colleague. You've been I think quite justifiably critical of previous governments and what seemed to be a slow and measured dismantling of some of the labour rights that have gone forth, in particular with regard to the previous government's Bill 7. I understand your stated position about neutrality. We do have certain press clippings, which I won't share with you now, but I just wanted to get your perspective on perhaps strengthening of the balance between labour relations and industry. For example, you've spoken previously about things like allowing replacement workers in strike situations and limiting access to bargaining units and so on, so perhaps just a question about the balance and how you see your expertise playing out there.

Ms Waddingham: I think you've asked me a couple of questions in one, so if I may begin. As far as my previous work as counsel, obviously it has been predominantly with public sector employees and with non-unionized employees. At that point in time in my career I was retained by clients and I put forth a position, which they had retained me to do.

With respect to your question of what I see now as being the balance and what the appropriate balance is, quite frankly, I see my work, if I should become vice-chair at the Ontario Labour Relations Board, as interpreting the legislation that's before me and enforcing that legislation. I don't think it's appropriate for me to determine what that policy is. The policy is one which will be set by government and enacted within the legislation.

1120

The Chair: That uses up the government's allocated time. We'll now move on to the Progressive Conservatives.

Mr Tascona: I want to thank you for coming here today.

Who approached you for this position? It's a part-time vice-chair?

Ms Waddingham: That's correct.

Actually, a member of the bar approached me about five years ago, to be perfectly honest, and suggested that he felt I had the skills to do this position. At that point in time, I, quite frankly, didn't feel that I had enough experience, because it's a very senior position, I believe, and I think that experience is the key to being able to carry out your duties.

As I said in my opening, it was really within the last couple of years, when I'd been working on these large, complex cases, that I could see that I was working in order to get often mediated settlements from the strength of both parties, or among many parties.

So I went back to the member of the private bar who had approached me and said, "You know, I think I might be interested in applying as a vice-chair." He said, "I will go to Mr Whittaker, the chair of the Ontario Labour Relations Board, on your behalf, and speak with him." He did so and advised me that Mr Whittaker was interested in speaking with me.

At that point in time, I called Mr Whittaker and expressed my interest. I met with him in a number of meetings, provided him with my CV, and made application through the public appointments. That's what brought me here today.

Mr Tascona: Your position is part-time. Is that your choice, or is that just what was available?

Ms Waddingham: That's what I was offered. In actual fact, I have a life in which I have a three- and a four-year-old, so part-time works out quite well.

Mr Tascona: Yes. I would imagine it would.

Are you restricted, though? You practised with the union firm. If you take the position, are you restricted from practising law with that firm or any other activities?

Ms Waddingham: I will be leaving my practice at Ryder, yes. I will not be practising employment law.

Mr Tascona: Would you be doing any other legal activities?

Ms Waddingham: I will probably continue in a practice of professional discipline, which I do with health care employees, predominantly nurses. In actual fact, the board's solicitor has provided an opinion to the chair of the OLRB, Mr Whittaker, as to the appropriateness of my continuing on in that practice, and it has been cleared.

Mr Tascona: Are there any restrictions in the board's policy with respect to your appearing in front of counsel for your former firm?

Ms Waddingham: I'm sorry, my former firm appearing before me?

Mr Tascona: Correct.

Ms Waddingham: I believe that there is. I'm not there at this point, but I understand that the board has a policy in dealing with people from your firm or former clients appearing before you. Quite frankly, I wouldn't be terribly comfortable having people whom I had worked with for 10 years appear before me.

Mr Tascona: I understand. Those are all the questions I have.

The Chair: We'll move on to the NDP.

Mr Michael Prue (Beaches-East York): Just one really short question. I appreciate the position you are in, not commenting on a previous government's legislation, but what appears to me to be happening more and more often before many administrative tribunals is that there is also an unequal balance between the might of lawyers who appear on behalf of the companies and occasionally on behalf of unions that have sufficient money, and then

you also have individuals or people who come who do not have the necessary monies or expertise to appear before you. As an adjudicator, how would you deal with that in trying to do a fair hearing with someone who may not be represented at all or who may be inadequately represented by someone who is less than capable?

Ms Waddingham: Thank you for your question. I have been practising labour and employment law for the last 10 years, and it is an extremely small bar; you may know that. My impression is that I come from a bar where the people are very competent. Be they union or management counsel, both parties seem to have very competent counsel.

With respect to employees who are unrepresented, as I understand it, the board does have cases in which those individuals come before it. I think the board, as I also understand, not having been there, has a process with which to deal with those individuals.

So I think that, in fact, the legislation can allow fairness, and the process itself that is in place can also allow fairness.

Mr Prue: So you're confident that it works well enough in the parameters without you as a vice-chair having to look at that or, I don't know, say, make arrangements, small changes, or try to bend over backwards for unrepresented or poorly represented people?

Ms Waddingham: I don't think it's my position to determine what the process will be at the board. The process is set down quite specifically at the board. They have very clear rules of practice. I will follow those rules of practice. As I understand it, those people have a very fair and equitable hearing.

The Chair: Thank you, Ms Waddingham. That concludes the interview. You may now step down.

We will now consider the intended appointment of Ms Miller as public-at-large member, Niagara Escarpment Commission. Is there a member to move concurrence?

Mr Brown: Yes.

The Chair: Any discussion? If not, all in favour? Opposed? Carried.

We'll move on now to consider the intended appointment of Mr Johnston as public-at-large member, Niagara Escarpment Commission.

Mr Lalonde: I'll so move.

The Chair: Mr Lalonde has moved concurrence. Any discussion? If not, all in favour? Opposed? Carried.

We'll now consider the intended appointment of Mr Burns as chair, Ontario Realty Corp board of directors.

Mr Tascona: I'll move concurrence.

The Chair: Any discussion? None? All in favour? Opposed? Carried.

We'll now consider the intended appointment of Ms Waddingham as vice-chair, Ontario Labour Relations Board.

Ms Scott: I'll move concurrence.

The Chair: Are there any comments or discussion? If not, all in favour? Opposed? It's carried.

The meeting is then adjourned until Wednesday, April 21, 2004.

The committee adjourned at 1128.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 14 April 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 14 avril 2004

The committee met at 1009 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mr Lorenzo Berardinetti): We'll call the meeting to order. Our first order of business is the report of the subcommittee on committee business dated April 8, 2004. May I have a motion to adopt?

Mr Ernie Parsons (Prince Edward-Hastings): I move adoption of the report.

The Chair: Is there any discussion? No. All in favour? Opposed? The motion is carried.

INTENDED APPOINTMENTS

PETER SMITH

Review of intended appointment, selected by third party: Peter Smith, intended appointee as member, GO Transit board of directors.

The Chair: We now move to consider the appointment for review today: Mr Smith, intended appointee as member of GO Transit board of directors.

Sir, you may come forward and have a seat here. As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there are questions from members of the committee. We will be commencing those questions with the Progressive Conservative Party for 10 minutes and going in rotation after that, with 10 minutes allocated to each of the parties. Any time you take in your statement will be deducted from the time allocated to the government party.

Welcome, and you may begin your statement.

Mr Peter Smith: Thank you, Mr Chairman. It's a pleasure to be here this morning. I would like to make a brief presentation and look forward to questions from the committee regarding my proposed appointment to the board of GO Transit.

Let me begin by explaining why I am most interested in this appointment to GO Transit and why I would bring useful skills and experience to the board. There is no question that today, more than ever, there is a focus in this country on urban issues. Perhaps the principal issue is continued urban growth, which puts pressure on the existing infrastructure in all of our communities and results in incredible traffic congestion in our cities and surrounding areas. This is evident in Montreal and Vancouver, but nowhere is it more severe than in the greater Toronto area. Among the litany of issues facing cities today, many believe the number one issue is gridlock. Transit in and out and through urban areas and to outlying areas is an important part of the solution to this gridlock.

GO Transit, since its inception in 1967, has been a wonderful example of building and providing an alternative transportation mode in the GTA. It now carries 44 million passengers a year. It would take 48 additional lanes of highway to carry as many people in the rush hour as GO does. GO Transit serves an area of 8,000 square kilometres in the strongest economic region of Canada.

Growth pressure continues in the GTA and we're told we cannot afford to build new transit. But the truth is, as many have said, we cannot afford not to build more transit. GO is a critical part of the solution for traffic congestion in the GTA. GO Transit in the year 2002 produced a 10-year growth plan. This plan calls for an investment of over $1 billion over a 10-year period. I see this as an important challenge, a very big challenge, and I would like to be part of that as a member of the GO Transit board as a citizen appointee.

I believe I can bring to the board of GO Transit over 30 years of experience working in both the public and private sectors in various urban-related fields, such as urban planning, social and community development, housing and homelessness, public hospitals facing increasing growth pressures and, more recently, waterfront redevelopment here in Toronto.

While I own and manage a housing company, Andrin Homes, and I sit on the board of Brampton Brick Ltd, which is Canada's second-largest manufacturer of clay bricks, I have spent the last eight years as chairman of Canada Mortgage and Housing Corp, CMHC, which is one of the largest crown corporations in Canada and the 13th-largest financial institution in the country.

Like GO Transit, CMHC is a crown agency corporation which serves a public policy role while operating under a commercial mandate. This requires, in my view, a special kind of governance, and I am quite comfortable in this public-private or commercial-public policy governance role. In fact, in 2002 CMHC won the Spencer Stuart/Conference Board of Canada award as the best public sector corporate governance model in Canada. I was proud to accept that award on behalf of CMHC,

because I believe I've committed myself during my lifetime to good corporate governance on every board with which I have been involved. As my CV illustrates—I believe you have a copy—I have served on numerous boards, both in the public and private sectors.

Let me conclude by saying that transit is a major issue in the GTA. GO Transit is a public agency with both a public policy role to address traffic congestion and a commercial mandate to operate as an efficient business while providing affordable transit to the GTA. These are challenges I believe I can help address because of my breadth of experience and my commitment over a lifetime to good corporate governance and to improving the quality of life in our communities and our country.

Thank you, Mr. Chairman. I look forward to questions from your committee.

The Chair: Thank you, Mr Smith. The first questions are from the Progressive Conservative Party.

Ms Laurie Scott (Haliburton-Victoria-Brock): Thank you, Mr Smith, for coming today. You certainly have an extensive and very impressive background to add to the GO Transit board of directors. A lot of your background, as you mentioned, is urban planning, housing and homelessness. My question is, why GO Transit? Why not a board more affiliated with housing?

Mr Smith: I live in the GTA, which I often have to drive through and into and out of. I have a place in Muskoka that I travel to frequently. I'm as aware as anyone else of the incredible congestion. I'm aware that the growth pressures in the GTA will continue. I've experienced some other cities in the world that have alternate modes of transit that help relieve congestion.

I believe I've served this country well in housing. It has been a lifetime interest of mine. I think the challenge of trying to address transit issues is important to my kids and to our communities. I'm interested in doing it.

Ms Scott: I certainly commend you for all the public service that you have done. How did you hear about this appointment?

Mr Smith: At Christmastime I was at a hospital function. I serve on the board of Credit Valley Hospital. My term is coming up. The current Minister of Transportation, Mr Takhar, served on that board with me for about six years, I believe, and he was at that hospital function. He knew my term at CMHC had ended and he knew my term at the hospital obviously was ending, and he asked me if I was interested in serving on this board.

Ms Scott: The Minister of Transportation, Mr Takhar, asked you?

Mr Smith: At the time he said he was interested in bringing on to the board people with business backgrounds and people who had worked in both public and private corporations. At the time I said it was an honour to be thought of. I hadn't thought of it. I did think about it and said, yes, I was interested. Then he asked me to forward my resumé, which I did.

Ms Scott: You forwarded your resumé on to the Minister of Transportation?

Mr Smith: To the minister's staff, I believe.

Ms Scott: I live in a rural area in a rural riding and Peterborough is close to me. I know Barrie is looking at expansion of the GO Transit service. You did mention the 10-year plan, which is really important for all of us, for the transit in and out and the commuter and the jobs. Is there any way you think we could make that faster than the 10-year plan? Do you agree totally with the 10-year plan? Do you want to see some changes within that 10-year plan that's out there?

Mr Smith: The research I've done is principally the document that I received plus what I could get off the Web site. I guess going off Web sites and getting information is not the best.

I do believe there is a need to expand GO Transit, not only in terms of the service to the areas it currently serves but expanding it to the outer areas that are growing. There is no question in my mind, and I understand it from being part of the building and development industry, that there are continued growth pressures outside of the Toronto area. More and more, affordable housing is being provided outside of Toronto as opposed to inside of Toronto. Those people, more than any in the future, would require transit. I think, as part of a 10-year strategy, that ought to be addressed, and I understand it is being addressed. I'd like to be part of the process of addressing that.

Ms Scott: I hope that it does come and comes sooner than the 10 years, but that's certainly what we need in the area that I come from and other areas in Ontario.

Thank you. Those are all the questions I have.

The Chair: We'll move on then to the NDP.

Mr Gilles Bisson (Timmins-James Bay): Thank you for your application. I apologize for being a bit late. I'm normally a very punctual person, but we have this process around here of scrums with the media, and sometimes we have to wait for our opportunity.

I've got a couple of questions, and part of it is process. I agree with my colleague's assessment that you certainly bring a vast amount of experience when it comes to your business background, both what you've done in the development industry and what you've done at Canada Mortgage and Housing Corp. I think that's a plus.

1020

My problem, and one of the reasons we bring you here, is that we don't know a lot about you when it comes to your experience with transportation. I don't want to use my 10 minutes to go on with my pet peeve about policy in this province. It's not your fault, but quite frankly the fault of all governments in the past. We've not done a very good job in doing good planning when it comes to urban transportation issues: Via, GO Transit, the TTC and all of that stuff. My first question is, do you have any experience in the transportation industry?

Mr Smith: The answer is no, not directly in any transportation company or agency. As I indicated in my opening remarks, I have a great interest in it from a variety of perspectives, not the least of which is to create livable communities, but without being flippant, I didn't know anything about manufacturing bricks before I went

on the board of a brick company. We're the second-largest brick company in Canada.

Mr Bisson: I'm one of your customers, by the way.

Mr Smith: Good; it's the best brick in the country.

Mr Bisson: It has held up rather well in the driveway of 246 Middleton, I want you to know.

Mr Smith: I think the important thing here is my commitment to learn, to do research, and my understanding of how corporations run—the need for them to get clear authority, accountability.

Mr Bisson: I've got no qualms about that part of it because I looked at your CV when it came forward. Clearly you have done an excellent job at your appointment at Canada Mortgage and Housing Corp. The award speaks volumes. My problem, however, is not that I'm holding up your appointment, but I want to make this point: When we put boards together, such as the board that's going to deal with issues like GO, it would seem to me we would pay some special attention to making sure that we bring people on who have some experience in the transportation industry, because there are many issues we need to deal with. I wanted the opportunity to be able to remind the government that the process we have is somewhat flawed, and no disrespect to you.

Mr Smith: I understand.

Mr Bisson: I understood the question being, "Where did you hear about this appointment," and you heard about it through the minister at a function you went to, and therefore the minister asked you to apply and all of a sudden you are here, basically getting your appointment. It seems to me there's something wrong with that process. I don't care if it's Minister Takhar or Minister Bisson or Minister Smith who did the deed. I'm elevating you to cabinet today, Monique, just so you know.

Ms Monique Smith (Nipissing): Thank you.

Mr Bisson: You're welcome. The problem is that's not the way we should do appointments. I want to use this opportunity to suggest the following: My problem is that now we have a process where we don't go out and advertise for interested people across the area who may have a contribution to give to GO Transit. I don't take away from your abilities and your managerial skills. I think they're impeccable. That's not my point here.

Mr Smith: I understand.

Mr Bisson: Your appointment is going to happen, but I want to take this opportunity to say to the government that we need to try to find a way to fill these appointments by advertising far and wide for people to be able to apply, should they have an interest in sitting on such a board and have some ideas about what needs to be done with GO. If you have somebody out there—he or she—who has experience when it comes to transportation, has some ideas and wants an opportunity to be able to raise those ideas and use that experience at the board, we should know about it as a government. Those are the people we should be seeking to appoint to these boards.

The process as it stands—no disrespect to you—is, "I'm the minister. I see you at a function. I know you are my friend or an associate." I say to you, "Why don't you apply for this board?" How many times have we seen in the years I've been on this committee, "I really know nothing about the board I'm going to, but I have other experience and I happened to talk to the minister"? It seems to me that that's not the way we have to do this—no disrespect to the current minister, because it has been done by Tories, it has been done by New Democrats, and it has been done by Liberals and Tories before that.

We tried, when we were in government, to go through a public process of appointment where we advertised and people had an opportunity to apply. I would argue that it was successful to a degree, that we did manage to find people, bipartisan as far as politics is concerned, who had something to bring to the boards they were coming to. The downfall, though, was that it was a bit slower, but maybe that's not a bad thing. Maybe taking the time to make sure we canvass far and wide for the proper people to go on these boards is a process that's worth investing in so that these boards end up with people who have an interest and an understanding of the issue they're getting into.

I want to say up front that I'm sure you are going to bring good managerial experience to that board. I've no doubt about that whatsoever. The brick in my driveway attests to the quality of the product you produce, as I said. I'm not going to agree with everything CMHC has done. I think they could do far more, but that's government policy, not your decision as a person who was responsible to that board.

I would only say, and no disrespect to you, but it really doesn't sit well with me when we go through this process, and I just say to this committee that maybe one of the things we need to spend some time on in one of the sessions is talking about coming up with some sort of process by which we can do a better job of canvassing for people to be able to apply to the positions they are interested in so that we can pick the best. Maybe your appointment shouldn't be to GO Transit; maybe your appointment should be to the Ontario Municipal Board or some other board that would better be able to use your lifelong experience in those fields which you are good at.

Mr Smith: I don't believe there's a question there.

Mr Bisson: No, no. I'm just making—I do appreciate that you have a sense of humour, though.

Mr Smith: I understand what you're saying. I don't believe I need to respond to that, Mr Chair.

Mr Bisson: Now, I've got a few minutes, and I do have a question.

Now that I've put that out, tell me a little bit what your thoughts are, what you think needs to happen at GO Transit, what kinds of investments we have to make. Do you have any ideas, any plans about what you want to talk about once you finally get to the board?

Mr Smith: Thank you. I think that's an excellent question. I obviously would bring—

Mr Bisson: You will know that all my questions are excellent.

Mr Smith: I won't go on again about the governance side that I would bring; I think that's self-evident.

Mr Bisson: No question.

Mr Smith: I think what I would bring to the board is an ability to look long-range, to look at 10-year plans, to be able to assess what's required to get there and to assist the rest of the board and the chair in order to get consensus, because consensus will be required amongst different levels of government and amongst different agencies and with the private sector as well. I believe I've demonstrated over the past, and I can give you a number of examples, some at CMHC, some in other agencies, where I have been able to play a significant role in securing enormous capital works, capital projects.

I can give as an example to you a $1.2-billion commitment to affordable housing in the country, signed by 14 governments—10 provinces, three territories and the federal government—a historic document and a historic contribution of $1.2 billion; a $150-billion commitment to Canada mortgage bonds, with the ability to raise money internationally as well as nationally to commit $120 billion to create more affordable mortgages for young people securing homes in this country.

What I'm saying is that I think I have the ability to deal with large capital works and the ability to understand the financing that it takes to get there and the knowledge that it requires more than one party to do that.

Mr Bisson: But you agree with the premise that there needs to be an investment at GO Transit?

Mr Smith: Absolutely. I said that in my opening comments. I believe that GO Transit needs to not only expand the range of services it offers in the current service area, but to look at expansion beyond, because growth is continuing to take place not just in the greater Toronto area, but in the surrounding regions. I think the long-term liveability of our communities is to create a balance of housing opportunities and transportation opportunities so that people can get to where they work, get to places of enjoyment.

Mr Bisson: And that's a whole other debate. Better planning legislation would allow us not to have as much of a need for GO, but that's a whole other debate.

Mr Smith: We could debate that a long time, I guess.

Mr Bisson: But we have to deal with where we're at.

Mr Smith: Right.

Mr Bisson: As far as how GO organizes itself and where it goes from here, do you believe that GO must remain a public entity?

Mr Smith: As opposed to being privatized?

Mr Bisson: Yes.

Mr Smith: Yes, I do. As I said in my opening remarks, I think it's an agency that has a public policy role, and that is to provide transit to the people of the greater Toronto area and beyond at an affordable rate and in an efficient manner, but to operate as a commercial business. In other words, it has to raise revenues from the users to fund its operations. As a builder, I pay toward GO Transit. For every house I build—I think it's $329.83—I have to write a cheque to GO Transit. What I'm saying is that I think, just as I believed with CMHC, that there is a public policy role here that should not become part of the private sector. It has to have a private sector orientation.

Mr Bisson: Yes, as far as its overall view about how it runs.

Mr Smith: It's a business.

Mr Bisson: But also, at the end of the day there are not many rail services in the world that do run at a profit, and we need to understand that there is also a public policy side that says it may not be—what's the word in English: « rentable »? It may not be profitable in some cases, but from a public policy perspective you need to provide it.

1030

Mr Smith: Exactly.

Mr Bisson: So you agree with that concept?

Mr Smith: I agree with that exactly. I don't think the intention here is to create a public agency that would turn a profit for the province through operating transit systems for communities. I think the idea is to run an efficient, businesslike operation, recognizing its public policy mandate.

Mr Bisson: Do you believe that there is a positive role to play by employees being canvassed by management and the board about some of the things we need to do to increase services and provide better services to the riders of GO?

Mr Smith: I think in any organization, the more you consult with stakeholders about the future of the enterprise they're involved in, the better you're able to make decisions and plan and develop strategies. I see the employees of any company as being stakeholders, whether it's GO Transit or my own company.

Mr Bisson: I will only say that in conversations I've had with union representatives of the company, as well with as some of the GO staff I've talked to, they really have a sense that that has not happened to the degree it needs to happen. I hope, in coming to the board, that you bring an approach of at least trying to canvass and listen to what they have to say, because quite often employees are better situated to be able to look at what some of the problems are and what the solutions should be to some of those problems.

Mr Smith: I think they're an important part of the enterprise, as they would be in any company.

Mr Bisson: Thank you.

The Chair: We'll move on to the government party.

Ms Smith: Thank you, Mr Smith. We appreciate your being here today.

Mr Bisson: Are you guys related?

Ms Smith: I just wanted to confirm for Mr Bisson, because I knew he was going to ask the question, that we're not related.

Mr Smith: We're not related, nor had we met.

Ms Smith: Nor have we ever met; exactly. There are a lot of Smiths in the world.

I also wanted to give you an opportunity to speak to your experience. We have had the opportunity to review your credentials, which are impeccable, as the opposition has agreed. But in order to counter Mr Bisson's speech

earlier today, I'd like to give you an opportunity to just speak to your experience with corporate-public governance issues and how you think the experience you have will enrich the board at GO.

Mr Smith: On the governance side, as I said in my opening comments, I was very proud of the fact that Canada Mortgage and Housing won the public sector award in governance across the country in 2002. We did that by developing a risk management program within a corporation. It was very effective.

In terms of governance, something that I would bring to the board of GO Transit is an ability to listen to the other members of the board, but also to understand very clearly what the mandate is, what the accountability framework is, what the authorities are, what legislation you operate under and, within that context, then to develop corporate plans or strategic plans that involve all the members of the board.

Let me give you an example. I've sat on boards, we've all sat on boards in the past where, come October or April, whatever the time frame of the year is, the staff wander in and plunk down a big plan and ask you to stamp it and approve it, and off they go for another year; and a year later they come back again with a plan. What I worked on, and what I'm very proud of, is having a process whereby the plan starts with the members of the board by doing, if you wish, an environmental scan—what are the issues out there that we need to deal with; what are the current issues today in transportation, in congestion in the GTA—and to bring in experts to talk about that, bring in transportation experts, bring in urban planning experts, bring in demographers, to have the board totally up to speed on what in the environment is important to consider in developing the plan, and then, throughout the year to have the plan evolve to the point where, when it is signed off and sent to the ministry for approval if that's required, and it was in my case, the board is completely onside and understands and it is their plan. So if I had to give one example of governance, and it's a simple one, that would be one that I hold very dear.

The Chair: That concludes the time allocated. Thank you very much, Mr Smith. You may now step down.

We'll now consider the intended appointment of Mr Smith. Do we have a motion for concurrence?

Mr Parsons: I move concurrence.

The Chair: Is there any discussion?

Mr Bisson: Just for the record, I want to say again that the New Democratic Party caucus does not have a problem per se with the person who has been put forward; it's more an issue of the process. Again, I want to ask the committee to do a bit of thinking about this. Maybe at a further date we can talk about it at subcommittee and bring it back to the committee itself and we'll try to develop some kind of process.

Obviously this gentleman, Mr Smith, who's not related to Monique Smith, does have experience that might have been better served on another commission. For example, I'm thinking of the Ontario Municipal Board, in planning that kind of thing. We need to think about that a little bit because maybe we're not appointing the right people to the right boards. Just a comment.

The Chair: Is there any other discussion? If not, all those in favour of the appointment? That carries.

Mr Bisson: I just want to raise with the committee members that you would know that, as committee members, we also have the responsibility to take a look at agencies. I would propose—maybe, Mrs Smith, we could talk about this; if we're not reaching a decision today, maybe we can talk over the week about looking at bringing the Ontario Northland commission before our committee. I don't need to go through the entire debate with you; you know it well. But for the satisfaction of other members, ONTC has undergone a massive amount of change over the last number of years. I think both Mrs Smith and myself are allies on this, when it comes to making sure that the ONTC does the best possible job and has the best possible ability to have the resources to do the job, to serve northeastern Ontario. I think it would be interesting to bring the ONTC before this commission in order for us to take a look at how it's run and where it's going so that northerners, at the end of the day, can have a better sense of what's happening.

There's a bit of a sense of—we've gone through a period of almost five or six years of trying to save the Ontario Northland train. Finally the government's done the right thing and said they're going to keep it public. But I think people are now waiting to see what's next; where are we going with the commission. If we're going to keep the train and we're going to keep it public, bravo; we give the government full kudos for that. But I think at this point we need to start turning our attention toward what has to happen at the ONTC to make sure that train services and other services of the ONTC are run in such a way that they are effective for northeastern Ontarians and others who need to travel up to the northeast, so that it's run as efficiently as possible and that it's usable, as far as being user-friendly, to the people who use the service.

I don't know if you, Monique, wanted to move that as a motion now, or we could put it off to another time. But I wanted to raise it with you.

The Chair: Why don't we put it off until another time? The subcommittee can meet and perhaps put it on a future agenda. Is that OK? Do we have a motion to adjourn, then? All in favour? Opposed—

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): Just a second.

The Chair: Mr Tascona?

Mr Tascona: Sorry, I was with the Speaker; we were having a meeting. This fax here, has that been discussed? The one we received from, it looks like, Echo Advertising.

The Chair: Yes, that was information that was requested to be distributed to all committee members.

Mr Tascona: Has the clerk got anything to say about it? It involves the Human Rights Commission.

Clerk of the Committee (Ms Anne Stokes): I received material in my office addressed to the committee members. It was incumbent upon me to distribute that to

the committee members. It's an unsolicited letter. We have distributed others from the same person.

Mr Tascona: I just don't know why it would come to this committee, when it went to the Attorney General.

Clerk of the Committee: The person has chosen to alert this committee to the situation.

Mr Tascona: Is anyone going to be contacting that person as to what they want from the committee?

Clerk of the Committee: It's up to the committee if you'd like to respond or address the issue.

Mr Tascona: If they're sending something to the committee, I think it has to be acknowledged somewhat, since you decided to give it to us. It might not have come to our attention unless you had given it to us. There has to be some acknowledgment of it by the committee.

Sometimes you do get letters coming into the committee and people expect you to look at them. It's usually in a different format; you get alerted to it. I would just suggest that we at least acknowledge that we've received it. I don't know if that's been done.

Clerk of the Committee: I can do that. I can do that on behalf of the committee.

Mr Tascona: I think all I could offer is just in terms of what they would hope this committee would do with it. Having read it, somewhat summarily, it's not looking for any directions. The Attorney General has directed the person to go back to the Human Rights Commission. So I don't really know what they're bringing it to our attention for. I'd like to know what they expect this committee to do with it, along with acknowledging it, if that's all right with this committee. If we're going to get information like this, I think we have to respect the fact that it's brought to our attention.

The Chair: Is there any further discussion on this item? I think Mr Tascona just wants acknowledgement that we've received this.

Mr Tascona: If all they want is for us to receive it, that's enough, but if we're looking for some direction from the person, then I guess that's another thing.

Mr Bisson: I've seen this letter and I haven't had an opportunity to question the gentleman who wrote the letter and get totally up on what the issue is. What he is alleging is that some of the decisions or practices of the OHRC are suspect, and I have no way of knowing if that's true. I think one way this committee can deal with it is by calling that particular commission before this committee. Maybe that's something we need to look at at the subcommittee level to see if possibly that's something we want to do.

Mr Tascona: I don't have any difficulty with that.

The Chair: I don't know if we have to hear first from the commission itself. Perhaps we can direct the clerk to contact the commission first and ask them to respond to this. Is that OK?

Mr Tascona: The way the chronology goes here, if there has been correspondence with this individual with respect to this with the commission—at least two letters; one in August 2003 and then a response from the Attorney General in January, because by that time the Attorney General was given responsibility for the Human Rights Commission—I think it basically has to do with their caseload. But I don't disagree with Gilles. It's part of our mandate, and if there's something that needs to be done, we have to look at it.

The Chair: I think we'll contact the commission and ask them to respond. Is that OK? Mr Bisson.

Interjection.

The Chair: With a pen, for the record.

Motion to adjourn: All in favour? Opposed? Carried.

The committee adjourned at 1042.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 21 April 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 21 avril 2004

The committee met at 1004 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mr Lorenzo Berardinetti): Good morning, everybody. Our first order of business is the report of the subcommittee on committee business, dated Thursday, April 15, 2004. Is there a member to move adoption of that report?

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): OK.

The Chair: Mr Tascona has moved adoption. Any discussion? None? All in favour? Opposed? The motion is carried.

We'll now move to the appointments review.

Mr Tascona: I have two matters I want to raise.

The Chair: On a point of order?

Mr Tascona: That's correct, as a point of order for the committee.

A couple of weeks ago we reviewed Dan Burns as chair of Ontario Realty Corp, and I just want to go back to whoever is doing the biographies with respect to the Public Appointments Secretariat. Looking at his bio, Mr Burns was described as a retired civil servant, and about a week later, on April 12, in the Toronto Star it's reported that Mr Burns, "a former high-ranking provincial civil servant who served as deputy minister in several ministries," is a consultant to a developer involving Geranium Corp. I just want to point out that in future the biographies should be reflective of what the individual is actually doing.

This was reported in the Toronto Star on April 12, and he was reported as being a consultant for Geranium. That would be something we obviously would have wanted to question him on, in terms of background. So the background checks should be a little more thorough, especially if we're finding out in the paper, with respect to Daniel Burns, what his background is. It certainly wasn't in his bio that was presented to us as a committee, and further information was reported in the paper. I think that's something that would have been very relevant, since he was up for chair of the Ontario Realty Corp and in fact was active as a consultant in the development business—I don't know whether he still is. I want to raise that for the committee, because it makes our job a little easier in terms of doing things.

The second point I want to raise is with respect to the subcommittee. We got the orders in council last Friday with respect to the McMichael Canadian Art Collection and the chairs. A person by the name of Noreen Taylor is on for selection, and we have until tomorrow at 5 pm to make our choices.

Well, it's reported in a press release and also in the April 17 Globe and Mail that she has been named chair. That pre-empts our duties as a committee here. She hasn't been named chair; she hasn't even been selected. We have until tomorrow at 5 pm to select whom we want to interview, and it's reported in the paper that in a press release from the government she has been named the chair. I think that's improper, because it's really usurping our role as a committee and breaching our privilege as members and also as a committee.

So I want to raise, with respect to individuals who are put forth, that certainly until the subcommittee makes a decision as to who is going to be selected, they are certainly not named. There is a process of how they become members, but being named in the paper certainly isn't one. I want to raise that, because it's something that usurps the role of this committee in terms of how we can effectively operate—reading in the paper about people we haven't even chosen to be interviewed as being already named to, in this case, the McMichael art gallery.

I just want to raise those two points, and it's something I want the clerk to look into so that we can do our job better here.

The Chair: Thank you, Mr Tascona.

1010

INTENDED APPOINTMENTS

MICHAEL POWER

Review of intended appointment, selected by third party: Michael Power, intended appointee as member, Ontario Municipal Employees Retirement Board.

The Chair: We will now move to the appointments review. Our first interview is with Michael Power. Mr Power, you may come forward.

As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there are questions from members of the committee. At our last appointment review, we started the questioning with the Conservative Party. We will commence the questioning today with the NDP

party. Each party will have 10 minutes allocated for questions, and we will go in rotation. As is also the practice of this committee, any time you take in your statement will be deducted from the time allotted to the government party. Welcome.

Mr Michael Power: Thank you very much, Mr Chairman and members of the committee. It's a pleasure to be with you today, and it's certainly a pleasure to appear as a potential appointee to the OMERS board.

I believe that I have many of the qualifications that would enable me to be an effective and participating member of the OMERS board. I am not an actuary. I am not a chartered accountant. I am neither a retired bank president nor a retired mutual fund manager. What I am is the sitting mayor of a municipality in northwestern Ontario. That municipality is Greenstone, 14 hours north of here on Yonge Street, so I always say that I live on Yonge Street north, because if you just take that little drive up Yonge Street, you'll come to me.

I have been a mayor for over 20 years, off and on. Like a lot of people who enter political life, you enter to do something and it catches up to you. You end up wanting to do more and more, and so your time ends up being a little longer than you anticipated in the beginning.

I served as president of the Association of Municipalities of Ontario for more than three years. The Association of Municipalities of Ontario contacted me, advised that there was a vacancy on the OMERS board and asked if I would be interested in applying for this appointment. After due consideration, I did decide to apply through the appointments secretariat, and I am supported by AMO in writing.

In all the years that I have been a mayor, it is only since the last municipal election that I have made contributions to the OMERS pension fund, because it's obligatory. I believe it is important, in terms of the board, as much as possible in today's world, to ensure the integrity and security of workers' pensions. They need to have assurance that when the time comes to retire, the plan they have paid into will provide an appropriate lifestyle at the end of their formal working career. The function of a board is to set the policies and guidelines that will allow this to happen, and we on the board also need to be mindful of the views of the members concerning the types of investments they would like to see.

Over the years, I have made contributions to all three major political parties in the province of Ontario. It is my view that a mayor must be on good terms with whoever is the government of the province. All orders of government need to work for the betterment of the citizens they collectively serve.

I look forward, Mr Chairman, to our dialogue this morning.

The Chair: We'll begin with questioning from the NDP party. Mr Prue has the floor.

Mr Michael Prue (Beaches-East York): Thank you, Mr Chair, but to have an "NDP party" is to have a New Democratic Party party, and I don't see any streamers and things here.

The Chair: The party was last night on Yonge Street, for some people.

Mr Prue: All right.

The staff has done an excellent background report, Michael, and I've known you for years, so I know you can do this job. But the question I have, because I think this is going to become quite controversial within OMERS and many of the other public retirement plans, is, what's your take on OMERS getting into public-private partnerships?

I know, when I listen to my Conservative colleagues, that they're salivating at the thought that OMERS and all these teachers' pension plans and others will be going into the private market. I'd just like to know what you think about this.

Mr Power: Mr Prue, as you know, as a municipal mayor I'm not involved in deciding where our investments are made. I get advice from staff, council makes decisions and we move forward in that manner; and the same with the OMERS board, until I'm actually there, if the committee sees fit to appoint me. Then it's my job to get up to speed and learn what the board has already decided or what advice is being put before them in terms of investments, be it in funds or in public-private partnerships. Then together, the board has a responsibility to make decisions and provide the policy framework in which we'll operate.

Mr Prue: I'm trying to understand where you're coming from in terms of this. We have a quote here from Dale Richmond. You obviously know Dale? Yes. We all know Dale. According to this, "Mr Richmond suggests that OMERS would not participate in projects that had 'a significant impact on union jobs.'" That's where he's coming from. Where are you coming from?

Mr Power: I think Mr Richmond has made that statement presumably on behalf of the board. Normally with boards, the chair is charged with announcements to the press or giving interviews. Certainly, I would not want to see the unionized workforce adversely affected by investments that we make.

Mr Prue: That would be my question. Thank you.

The Chair: We'll move to the Liberal Party. Are there any questions? None? Then we'll move to the Progressive Conservative Party.

Ms Laurie Scott (Haliburton-Victoria-Brock): Thank you very much for coming today and appearing before us. I noticed in your resumé that you've had a long-standing involvement with the Liberal Party. I'm glad to hear you contributed to all the parties. Are you still a member of the Liberal Party?

Mr Power: No, I'm not.

Ms Scott: You said you heard about the appointment through AMO and then applied through the appointments secretariat.

Mr Power: That's true.

Ms Scott: As a current mayor, are you a member of OMERS?

Mr Power: I am since November, and I will tell you that I objected, because I didn't see the point, at my stage in life, of being part of OMERS, and I certainly didn't look to OMERS as providing any pension. As you're well aware, political life is at best sometimes fleeting, certainly at the municipal level.

Ms Monique M. Smith (Nipissing): Don't get discouraged. You always try to have a backup profession.

Mr Power: As your predecessor Chris, a close friend of mine, knows, you would never anticipate that you could bank your future on either the ongoing salary or the pension at the end of it. So I did, and after I objected I was told, "Your Worship, you have to. That is the rule." Well, fine. I'll bend to it.

Ms Scott: OK. Thank you for that political advice.

Do you see a conflict then, being a contributor to OMERS and being on the board?

Mr Power: No, I don't. I think that what I can bring to it is no different from anybody else. There are other employee members of the board, and there's a member from the retired group. Of course, all of us, I think, who are appointed are interested in ensuring that the fund is run appropriately so that we can guarantee workers that their pensions are there when they need them. One person cannot influence anything to favour themselves.

1020

Ms Scott: There has been a lot in the papers about OMERS and the administrators: 327,000 current and former employees with the Ontario municipalities, school boards, libraries and other boards; third-largest pension plan in Canada, administering over $30 million in assets. It's great to be on this committee; you find out more about these boards.

Do you have a financial background that will help you guide the board in their financial decisions? Do you have much of a financial background?

Mr Power: As I said up front, I'm not an actuary. I don't come from a mutual fund or a bank, and perhaps that's a good thing. I know it's not in vogue to use these words today, but bringing good common sense to a board is quite often the best thing to do. It's been my experience in the municipal field that you are exposed to a wide range of issues and concepts that you need to get up to speed on and that you need to deal with. I think that what I bring to the board is my experience dealing with councils and dealing with a wide range of people.

As you know from my resumé, I have been involved in arbitration and dispute resolution. I do labour negotiations. So I think I've shown over the years that I'm able to learn, I'm able to move forward and make decisions in a collegial manner, and I think that is crucial in terms of a board.

The Chair: Further questions?

Mr Tascona: Are you familiar with the Windsor ratepayers' group that has called for a public inquiry into the government's practices at OMERS?

Mr Power: No, I'm not. I guess if I were to add it up, I'm about 20 hours from Windsor. Neither the Globe and Mail nor the Toronto Star reaches my area—nor the Windsor Star. So I'm not the least bit knowledgeable. It's something I would have to become knowledgeable about if I were appointed by this committee.

Mr Tascona: What information have you been given with respect to your role as a part-time board member?

Mr Power: Not a great deal. It is my view that it is the function of the board not to be involved in the day-to-day administration of an organization—that's why you have staff. Certainly it's my job to thoroughly look at materials that are put before the board, that are brought to us for our decision-making processes. But in terms of the Windsor-Detroit tunnel—I think Canadian Pacific Railway is involved in that—I honestly don't know. It's not something I needed to know. If I am confirmed, I'll need to know and I'll have to find out.

Mr Tascona: Yes, because in this day and age the government's role, to me, with respect to running a pension plan is critical, especially in the municipal sector and this size of fund. You have staff who have been assigned to do a job. But you, as a board member, have a public duty, a trust, to the members, of which you also are one, so I think you'd take that seriously. But in terms of a governance role, not only having an opinion on where they're investing or whether they're properly investing, and in terms of whether there's a proper return, do you not think that, as a board member, you have a duty to the public to make sure they're doing proper investments for the members and certainly that they're getting value for money?

Mr Power: I think I said right up front that I believe it is the function of the board to ensure that the fund is managed, as much as you can do so in today's world, in a manner that we're able to guarantee our members that their pension will be there. Input from the members would have quite a lot of direction on board decisions, in terms of the kinds of investments that are made. For one reason or another, the members may prefer not to invest in a certain area as opposed to another area. I did read that the fund has made some shifts away from the stock market and into the realty area. But honestly, I haven't followed it closely, and it's something I have to get up to speed on.

Mr Tascona: I'm not asking you how they are doing their job at the moment, because you're not there. What I'm asking—and I think Mr Prue was putting that to you—is, do you share the opinion, which I think is out there today, that a board member shouldn't just be a rubber stamp of what's happening at the management level? You're there to do a duty to the public, to make sure that this trust you've been given—which you have been given, because you're obviously up for appointment—is to do more than just rubber-stamp things.

Mr Power: I apologize if I gave you the impression that I felt a board just rubber-stamped. Staff provide information and advice. The board makes the decision. So you have to do your due diligence as a board member. You have to read everything you are provided and you have to ask the appropriate questions on whatever issue it may be that's coming before you. You have to be

prepared to do the work to decide in your humble opinion what the best area is that we should be moving into. Certainly you're not a rubber stamp. It's no different than a council or a Legislature; they're not rubber stamps. They take advice, they consider it, they do due diligence and then they make a decision. That's the same function with a board, because you do have as a board member a very heavy responsibility to ensure that the decisions that are made are appropriate decisions.

Mr Tascona: Do you feel you're qualified to protect that public trust?

Mr Power: Most definitely.

The Chair: That concludes the questions. Thank you very much, Mr Power. You may now step down.

BRIAN BROWN

Review of intended appointment, selected by official opposition party and third party: Brian Brown, intended appointee as member, Social Benefits Tribunal.

The Chair: Our second interview today is with Brian Brown.

Mr Brown, you may come forward. As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there will be questions from members of the committee. Each party will have 10 minutes allocated for questions, and we will go in rotation. Any time that you take in your statement will be deducted from the time allocated to the government party. Good morning, and welcome.

Mr Brian Brown: Mr Chair and members of the committee, thank you for the opportunity to appear before you today and for playing an important role in my application to become a member of the Social Benefits Tribunal.

I'd like to use my opening statement time to, first, provide insights into my experience and, second, explain why I believe I can make a contribution to the tribunal.

The government Web site notes that some of the key skills required of an appointee include speaking and writing skills; analytical ability, judgment and tact; capability of interpreting legislation fairly and accurately; experience at conducting hearings efficiently and inclusively; and administrative and organizing ability.

As a speaker, I have appeared on provincial and local media and delivered speeches at town-hall-style meetings and service clubs, most recently on behalf of the United Way of Oxford, where I am the campaign co-chair, and the Oxford Women's Emergency Centre, where I am a board member.

As a writer, I am a guest columnist. I write all of my own speeches to service clubs and I publish a newsletter. During my career as an English teacher, I had the pleasure of teaching hundreds of students how to write thoroughly researched, cogent term papers, and I wrote extensive curriculum documents.

Analytical ability, tact and judgment are all important attributes for an effective member of the tribunal. I see myself as a problem-solver who specializes in proactive, positive analysis as opposed to crisis management. At the same time, I remain calm and poised during dispute, look to hear all sides of an issue in order to defuse conflict and find fitting, non-judgmental solutions. In my mid-campaign analysis at the United Way of Oxford, for example—and that's something we do every year—I make use of SWOT analysis, where we look at strengths, weaknesses, opportunities and threats, and I make use of a proactive leadership style and team dynamics as part of our local United Way philosophy of continuous improvement.

A successful applicant must also be capable of interpreting legislation fairly and accurately. I am familiar, and comfortable, with the language of government and legislation. I read quickly and I have a high level of comprehension. I am computer literate. At the same time, I am not afraid to ask for help with particularly difficult language.

1030

Your appointee should be experienced at conducting hearings fairly and accurately. While I do not have legal or arbitration training, I do have a lifetime of experience of conducting meetings and informal hearings, and a reputation for conducting those meetings fairly and efficiently. I have served as host and moderator at a wide variety of functions from over 1,000 participants to less than five. On each occasion I believe I acted with fairness, always respecting the dignity of the participants.

Administrative and organizational abilities are key, as a tribunal member often conducts single-member panels. I do have a record of successful administration in my professional life, business life and volunteer life.

The second insight I wish to provide, and it may be the more important of the two, is to explain why I believe I can make a contribution to the Social Benefits Tribunal. I am seeking to give back to my community and to my province. As you know, I was a candidate in the election last fall and in 1999. Those were two attempts to serve my community. Unsuccessful as a candidate, I decided on this process. You may have noticed on my resumé that I am involved in the United Way of Oxford, the Mayor's Youth Task Force, the Canadian Mental Health Association and the women's emergency centre. Also, I volunteer at Operation Sharing. That's Woodstock's food bank and it's also the Ontario Works community workfare provider.

As a result, I have close contact with Ontario disability support program clients who have physical or mental disabilities, or both, and with Ontario Works clients who struggle to pay for rent, groceries and other necessities in tough circumstances. Their lives are difficult. Some are not capable of working or even seeking employment. Most, however, seek the dignity of a steady job. One of their last pillars of support comes from the Social Benefits Tribunal. If appointed, I would seek to provide a fair hearing for those persons who appeal to the tribunal and to provide respect for them as fellow human beings.

In summary, I feel confident that the demands placed on a member of the Social Benefits Tribunal are within

my skill set, and that I can make a positive contribution to the work of the tribunal. I thank you for the opportunity to speak with you this morning and look forward to your questions.

The Chair: We'll begin the questioning with the government party. Are there any questions?

Ms Smith: Thank you for coming, Mr Brown. We appreciate it. Can you tell us what attracted you to this particular tribunal?

Mr Brian Brown: Yes, I can. I think it's got a lot to do, Ms Smith, with my work at Operation Sharing at the United Way of Oxford. Through our 17 member agencies at the United Way, for example, I've had an opportunity to meet with people who provide and receive services through Ontario Works and through the Ontario disability support program. I thought, "There's an area where I could make a contribution."

The Chair: We'll move on to the Progressive Conservative Party.

Mr Tascona: Thank you for attending here today. We got a copy of your resumé that you provided. I just want to note your work experience. It says you're a co-owner of Laurel and Brian's Wilderness Adventures.

Mr Brian Brown: Yes.

Mr Tascona: You're still an owner of that?

Mr Brian Brown: I am.

Mr Tascona: I'm curious. What does that involve?

Mr Brian Brown: Laurel is my wife and—with Laurel's permission—Laurel and I work together on wilderness canoe trips and whitewater canoe trips through northern Ontario, central Ontario, Quebec and British Columbia. Basically, what we do is we meet a group of clients, usually 14 in number, in their homes, analyze their needs and plan a trip that will meet those needs, usually of a week to 10 days in length.

Mr Tascona: You did admit earlier that your related experience on your resumé—you ran as the Oxford provincial Liberal candidate in 1999 and 2003. Is that correct?

Mr Brian Brown: I did.

Mr Tascona: And in your references, you show the Honourable Chris Bentley, Minister of Labour, as a reference?

Mr Brian Brown: Yes.

Mr Tascona: What's your relationship to him?

Mr Brian Brown: We're friends. We have a relationship based on friendship and also a professional relationship in the sense that we ran together in the 2003 election. Chris represents London West, as you would know, and that's my home. I grew up in London West on Elworthy Avenue, about a block and a half from where Chris and his wife now reside, on Windsor.

Mr Tascona: So you've known him for quite a while.

Mr Brian Brown: Actually, I've known him well for about the past two years, and we've known of each other for periods before that.

Mr Tascona: How did you find out about the position?

Mr Brian Brown: I researched the government Web site. I took a look at what was available there, and I thought, might there be a fit between what I have to offer in terms of my skill set and what might be on the government Web site in terms of an opportunity to serve?

Mr Tascona: What experience do you have that you think might serve you well in this position?

Mr Brian Brown: I think my people skills are key. People who know me would tell you that I'm respectful, attentive, fair-minded, and most important I think for this position, inclusive. I'm a very good listener in the sense that rather than make up my mind on the basis of hearing one side, I want to listen to all the facts that are out there before coming to a conclusion, which I hope will be non-judgmental and inclusive so that there's a win-win opportunity for any decision I have to make.

Mr Tascona: As you're aware, when people arrive before the tribunal, it's like a court of last resort.

Mr Brian Brown: Yes.

Mr Tascona: Do you have any legal training or arbitration experience?

Mr Brian Brown: I do not have legal training. I do not have arbitration experience. What I do have is a lifetime of conducting meetings fairly and inclusively: town hall style, municipal advisory committees, United Way allocations meetings, for example. I would look forward to the training that would be provided to a potential appointee over the six to eight weeks prior to taking on a position as tribunal member.

Mr Tascona: Thank you. Those are all the questions I have.

Ms Scott: How much training is involved? You said six to eight weeks prior?

Mr Brian Brown: I understand that it's six to eight weeks of training, yes.

Ms Scott: Do you know much more about the board? I'm sure you've done some research. You said you were on the Web site and found it.

Mr Brian Brown: I have a learning curve ahead of me and I welcome that challenge. I'm looking forward to learning all of the ins and outs of the tribunal.

Ms Scott: Do you know how much the appointment pays, the salary?

Mr Brian Brown: I do. It's $68,800.

Ms Scott: What do you think are adequate social assistance rates for the moment? I know you were a Liberal candidate, so you're familiar with the policy. We haven't seen the increases that have been promised, but what do you feel—

Mr Brian Brown: Certainly, as Liberal candidate, I supported the Liberal position at the time. As a member of the Social Benefits Tribunal, if successful today, a quasi-judicial role, I mustn't be subject to government influence or interference, so it would be up to the people at this table, of course, along with the rest of the MPPs, to set policy and rates. It would be up to me, if successful as an appointee, to see that the legislation was applied fairly.

Ms Scott: You have background working with Ontario Works.

Mr Brian Brown: I do indeed.

Ms Scott: Do you feel there should be an increase? You've seen this front-line.

Mr Brian Brown: If you're asking for my personal opinion, I am concerned that the rates are inadequate, yes.

Ms Scott: Thank you.

The Chair: We'll move on to the New Democratic Party.

Mr Prue: Thank you for that last answer. I would have been really quite concerned if you thought the rates were adequate.

This is a tribunal and it's often called, in legal parlance, poor people's law, because the people who come before the tribunal are often unrepresented, are often marginally educated—not all of them but a fair number—and/or have English as a second language.

What would you do as a tribunal member to make sure they had a full opportunity to explain their cases even though they would probably come not as prepared as they should be?

Mr Brian Brown: It would be very important to put people at their ease as much as possible. My experience with persons who have gone before tribunals of this nature is that they are very much worried about the outcome. They're beyond their comfort zone. It would be important to establish a comfort level with people appearing before the tribunal.

One suggestion I've heard—and I'd like to know if this is possible or not—is to locate the tribunal venue in a place that has a comfort level for the people who appear before the tribunal, rather than a hotel that might be some distance away and cause people to have transportation difficulties in even getting there.

Mr Prue: I must say, I have never been before this particular one, but most tribunals have someone from the government, someone who represents the government position as to why they were refused in the first place. Say they were refused ODSP. That person's job obviously is to uphold the government's position, so sometimes they do it with great vigour. I know that. I used to represent the Minister of Immigration, so I can do it with great vigour. What would you do to ensure that a person unrepresented was able to adequately counter the evidence and the submissions of the government representative?

Mr Brian Brown: Encourage the person to speak his or her case to the best of his or her ability, do my best to set that person at ease so that the evidence could be given and the case could be made, present myself as a person who listens very, very carefully to both sides—certainly to the government side and to the applicant's side—and then make a decision strictly according to the legislation.

Mr Prue: Thank you.

The Chair: Thank you very much, Mr Brown. You may now step down.

Mr Brian Brown: Thank you for the opportunity.

The Chair: We will now consider the intended appointment of Mr Power as member of the Ontario Municipal Employees Retirement Board. Is there a member to move concurrence?

Mr Ernie Parsons (Prince Edward-Hastings): I would move concurrence?

The Chair: Any discussion? If not, all those in favour? Opposed? That carries.

We will now move on to consider the intended appointment of Mr Brown as a member of the Social Benefits Tribunal. Is there a member to move concurrence.

Mr Parsons: I move concurrence.

The Chair: Thank you, Mr Parsons. Concurrence has been moved by Mr Parsons. Any discussion? If not, all those in favour? Opposed? That carries.

The only other matter I want to raise with the committee is that Mr Tascona's points will be brought forward, through a letter, from the committee clerk to the Public Appointments Secretariat.

The next meeting will be on April 28, 2004.

The committee adjourned at 1043.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 28 April 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 28 avril 2004

The committee met at 1014 in room 151.

ELECTION OF CHAIR

Clerk of the Committee (Ms Anne Stokes): Good morning. I call this meeting to order. As my first order of business, honourable members, it's my duty to call upon you to elect a Chair. Are there any nominations?

Mr Ernie Parsons (Prince Edward-Hastings): It's my pleasure to nominate Elizabeth Witmer.

Clerk of the Committee: Any other nominations? There being no further nominations, I declare Mrs Witmer to be Chair of the committee.

The Chair (Mrs Elizabeth Witmer): Thank you very much for the nomination. It's a pleasure and honour to be Chair of this committee. I'm just glad I was here.

ELECTION OF VICE-CHAIR

The Chair: Honourable members, it is my duty to call upon you to elect a Vice-Chair. Are there any nominations?

Ms Monique M. Smith (Nipissing): I nominate David Orazietti as Vice-Chair.

The Chair: Are there any other nominations? There being no further nominations, I declare the nominations closed. Mr Orazietti is elected Vice-Chair of the committee. Congratulations.

Mr Gilles Bisson (Timmins-James Bay): I want to say for the record that I've felt this committee has always been chaired by a member of the opposition because it is an oversight committee. Unfortunately the government early on had decided to Chair this committee with one of their own members. I'm glad the government House leader has finally accepted the tradition of this place and that it will revert to an opposition Chair. I think that is very important, considering that the work we do is as an oversight committee. I thank the government members for finally coming to their senses, and I want to take the opportunity to congratulate you, Madam Chair, on becoming the new Chair of this committee.

The Chair: Thank you very much, Mr Bisson.

SUBCOMMITTEE REPORT

The Chair: Our first order of business is the report of the subcommittee on committee business dated Thursday, April 22, 2004.

Ms Laurie Scott (Haliburton-Victoria-Brock): I have a point of order, Madam Chair, and congratulations on your appointment. Thank you, Lorenzo, for your past work. We appreciate that.

One of the items of the subcommittee report was to request a review of the appointment of Sylvia Sutherland, but last Monday, April 19, in the Legislature, Minister Smitherman indicated that the government had already appointed Ms Sutherland. I'll just read the quote: "I'm pleased to say that this government appointed Mayor Sylvia Sutherland to the board of the College of Physicians and Surgeons."

Now, I recognize the number of government members compared to the number of opposition members on the committee, and it can be easy to regard the reviews we conduct as simple formalities, but I had hoped not in this case because the agencies, boards and commissions play a significant role in Ontarians' lives. It's important we make sure that the people who are being appointed are able to effectively discharge their responsibilities, so I would like to ask the Chair to contact the minister on behalf of the committee to remind him of the role this committee plays in reviewing government appointments so that he does not presume upon the outcome of our deliberations.

The Chair: Thank you very much.

1020

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): Madam Chair, just for your reference, because this was raised one week earlier, there's a letter to Anne Stokes dated April 27, 2004, which I hope you have a copy of because I'm going to refer to it. It's a letter that was written to Anne Stokes by Debra Roberts, director of the Management Board of Cabinet, Public Appointments Secretariat. It has to do with a point similar to the point raised by Ms Scott. We raised it also with respect to Noreen Taylor, and I just refer you to page 1, the bottom paragraph:

"With respect to the article regarding the chair of the McMichael Canadian Art Collection, I can verify that the appointment has not yet taken place. While the ministry press release correctly refers to Ms Noreen Taylor in its first sentence as having been 'nominated' for appointment, the use of the word 'appoints' in the headline allowed for confusion. I have asked the ministry to revise the release on its Web site to ensure no further mistakes are made."

Then, on page 2, Debra Roberts goes on to say:

"In order to avoid similar confusion in the future, I have taken the opportunity to remind all ministries that any public statement or release should clearly state that a nominee is not appointed until they have been considered by the standing committee on government agencies and that care should always be taken to ensure readers understand exactly where a potential appointee stands in the process. I've also directed that the Public Appointments Secretariat must review any announcement regarding appointees to ensure that the procedures of the standing committee are respected."

The point Ms Scott is raising is that the appointment of Sylvia Sutherland was raised in Hansard by the Minister of Health and Long-Term Care. That's an additional matter we want raised in terms of usurping the function of this committee. Ms Sutherland has been selected now and will also be interviewed, but that won't happen for a couple of weeks.

The Chair: Thank you very much, Mr Tascona.

We still need someone to move its adoption.

Mr Parsons: I'd like to respond to the previous point of order, if I could.

I can understand it being confusing with the way the newspaper story was written. It certainly did make it sound as if it was a fait accompli, but the press release put out by our government indicated "as nominated." We do understand the process, and unfortunately the media story indicated it was an appointment when in fact the press release indicted "nominated."

The Chair: Thank you for the explanation. Further discussion? Thank you very much for those points. I think they are well taken, and I trust that those responsible for making the appointments will ensure that before people are officially appointed, due process has been followed. We are going to follow up with the appropriate minister and also with the appointments secretariat to ensure that this doesn't happen, that it doesn't taken place.

Mr Parsons: I would like to move acceptance of the report of the subcommittee.

The Chair: All in favour? Opposed? Seeing none, the motion is carried.

Going back to Sylvia Sutherland, a selection from the certificate dated April 16, 2004, intended appointee as member, Council of the College of Physicians and Surgeons of Ontario, she is unable to attend a committee meeting until May 19. Pursuant to standing order 106(e)11, unanimous consent is required by the committee to extend the 30-day deadline for consideration.

We need to take a look at having Robert W. Schmidt come forward as well, who is an appointee being considered for the College of Physicians—

Interjection.

The Chair: Oh, he's being considered for Essex Kent and Lambton District Health Council.

So I guess what we're asking for, and perhaps the clerk has more information, is, do we have unanimous consent to extend this deadline for Sylvia Sutherland further from May 16 to June 15, 2004, and also for Robert W. Schmidt?

Mr Tascona: May I just ask what the impact of that is on the process?

Clerk of the Committee: We've contacted Sylvia Sutherland and she's unable to attend before the committee until 19 May.

Mr Tascona: Is that the constituency week, or are we still in the House?

Clerk of the Committee: The following week is the constituency week.

Mr Tascona: She's not going to be deemed approved.

Clerk of the Committee: No. By extending this deadline, that allows the committee the time to consider the appointment.

Mr Tascona: And if there isn't unanimous consent?

Clerk of the Committee: Then the committee would have to consider her within that 30-day deadline, and if it hasn't been considered within the 30-day deadline, the concurrence is deemed to have been given. So it's a scheduling question. It's just to extend the deadline to give us some flexibility to be able to schedule these people.

Mr Tascona: Agreed.

The Chair: All in favour? Opposed? All right.

INTENDED APPOINTMENTS

MARC DENHEZ

Review of intended appointment, selected by official opposition: Marc Denhez, intended appointee as member, Ontario Municipal Board.

The Chair: We can now move to the appointments review. Our first interview this morning is with Marc Denhez, the intended appointee as member of the Ontario Municipal Board.

Good morning, Mr Denhez. As you may be aware, you do have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there are going to be questions from members of the committee.

Mr Marc Denhez: Thank you, Madam Chair. Good morning, ladies and gentlemen. My presentation will be brief since the committee has already received my CV. I propose to speak to you about two things: the multidisciplinary nature of my experience, and my aspiration to bring a balanced perspective to my future work at the OMB if you approve my appointment.

Years ago, I decided to devote my career to a combination of law and planning. In most of my years of practice, I have pursued that objective, with a concentration in two main areas: the institutional framework for planning and development, and the question of governance. My planning-related work has had a particular focus on homebuilding, the renovation industry, natural habitat and cultural and built heritage. My governance-related practice has included advice to national organizations on certification, licensing and accreditation procedures, internal bylaws and disciplinary proceedings.

Thanks to organizations including UNESCO and the World Bank, I have served on assignment in 14 countries. I've taught courses at the planning schools of four universities in Canada and Europe and given lectures from the University of Edinburgh to the Smithsonian Institution in Washington.

My articles have been published in over 200 journals and anthologies, some of which have been translated into seven languages. As for my own books, one is on the history of the Canadian home, two are on environmental protection, and five are on the law of built heritage. In my reports and publications, I use two standard analytical tools of the French tradition, for which, oddly enough, there is no English translation. The first is called a tour d'horizon, literally meaning a 360-degree survey of a landscape to identify what's out there. The next tool is what we call a problématique, which is a listing of everything that might cause a problem so that you can then distinguish the symptoms from the disease and zero in on the core issues.

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In the areas of planning and governance, that kind of classical analysis—tour d'horizon and problématique—is precisely what many of my clients hire me to do. It has been a staple of my practice. My clients have usually been governments and NGOs. At various times, I've been retained by different federal departments, from Parks Canada to CMHC, six major cities, and all 10 provincial governments. I've worked closely with governments of all stripes—Liberal, Conservative, NDP and Social Credit.

I also chaired the public-private sector task force on the future of the residential renovation industry in Canada, and I'm the longest-serving member on the executive of the Canadian Renovators' Council. My NGO clients have included three of Canada's national associations involved with housing and construction, environmental and heritage umbrella groups, and a national professional organization that approves degree-granting programs.

Obviously, my client base is not homogeneous—quite the contrary. For example, one of my clients is a national environmental organization whose local chapters are often skeptical about developers. Another is an umbrella group for heritage organizations whose constituent groups take a similar view. Still another client is the national association comprising many of the very same developers who, at the local level, are routinely at odds with the other local interests that I've just mentioned.

Having been the president of several volunteer organizations, I know how strong some of these feelings can be. I'm sometimes asked the question: How can I have clients coming from such diametrically different directions and how do I avoid conflict of interest?

Fortunately, in all my years of practice, I've never ended up in a conflict-of-interest situation, and for three very specific reasons. The first is that strictly local disputes are not at the level at which I've usually worked, namely, the organizational or systemic level. I've never represented an individual developer. The second is that mine is not a litigation-oriented practice—quite the contrary. My usual objective was to identify and expand opportunities for synergy and to help clients find solutions that could avoid the necessity of litigation. Third, and most important, I believe that my clients retained me precisely because I had nurtured a multidisciplinary knowledge base. They knew that I was familiar with the concerns of a wide range of different stakeholders.

I believe that the OMB's mandate can be distilled down to two words: good planning. Ladies and gentlemen, I don't believe that good planning is about viewing things from any single perspective, whether that perspective is housing, environment, heritage, transportation, economics or anything else. Good planning is, by definition, multidisciplinary. How could it be otherwise? A city is the largest, single tangible object that our civilization produces.

Good planning is a simple term, but it summarizes a very complex process. I believe that my familiarity with the concerns of most stakeholders will assist my objectivity in considering their cases.

The day-to-day task of the OMB is to sift through the evidence to reach an informed conclusion about what the path of good planning is. In today's context, it's all the more imperative to be able to bring a balanced perspective and understanding to the different points of view.

To summarize: First, in pursuing my commitment to the law of good planning without becoming embroiled in individual local controversies, I've developed a close understanding of several of the major stakeholder interests simultaneously; second, it's my experience in balancing these interests that I hope will be my greatest asset at the OMB.

I sincerely hope that this committee will approve my appointment.

The Chair: Thank you very much, Mr Denhez. We will begin our questioning today with the Liberal caucus. We have about three minutes for each party to ask questions, and we will go in rotation. So three minutes then for the Liberal Party and 10 minutes for the opposition.

Mr Parsons: We'd like to stick to the three minutes for each party.

The Chair: Seemed fair to me.

Mr Parsons: Exactly. We waive our questions.

The Chair: Thank you very much, Mr Parsons. Ms Scott?

Ms Scott: Thank you for appearing here today and informing us. You do have a wide background of knowledge. You have a great deal of expertise in heritage buildings.

Mr Denhez: I do my best.

Ms Scott: How did you find out about this board, and why this board as opposed to the Ontario Heritage Foundation or the Conservation Review Board? That's a two-part question.

Mr Denhez: It started last August, actually. I was invited by the Ontario Bar Association to deliver a paper

at their municipal law section in January, and I was finalizing the text back in November and I was surfing the Web. I was on the site of the Ontario Municipal Board, and that's where I saw how many vacancies were likely to occur in 2004. That's when I undertook to make inquiries and explore the possibility of applying.

Over the Christmas holidays, I was at a party where I met an old friend of mine, Jim Watson, whom I've known for 15 years. I asked him what the correct protocol was for making this application, and he advised me of the Public Appointments Secretariat.

In January, before I had actually completed my papers to file with the Public Appointments Secretariat, I made that presentation to the Ontario Bar Association. A gentleman in the first row professed such enthusiasm over it, he came up to me and asked me to make the same presentation again to his organization, which turned out to be the Ontario Municipal Board.

Subsequently, when my papers were filed with the Public Appointments Secretariat, not long afterwards I received an invitation to meet with the chair and two of the vice-chairs, one of whom was the gentleman I had met at the OBA. It was a very positive interview, and at the end of the interview, they advised me that they would be making a recommendation to the government of Ontario that I be appointed. And that is why I'm here today.

Ms Scott: You mentioned Jim Watson is an old friend of yours.

Mr Denhez: Fifteen years.

Ms Scott: Were you involved in his campaign?

Mr Denhez: I certainly was. I was the president of the riding association for the provincial Liberals in Ottawa West-Nepean, and I was the president of the riding association through his campaign, so I was obviously very closely involved. I stepped down from that immediately after the election, and that was several months before I made the application to the Public Appointments Secretariat.

Ms Scott: Did you step down in preparation because you would be applying for this position?

Mr Denhez: No, no.

Ms Scott: You just stepped down from president of the association?

Mr Denhez: I had done my two and a half years.

Ms Scott: Thank you for that. Have you donated money to the Ontario Liberal Party?

Mr Denhez: I certainly have. I gather from my receipts that it's about $250 worth of donations. Given what's happening the day after tomorrow, since I have to file my tax returns, I wish it were more, but that's what it is.

Ms Scott: OK, I'll pass it over.

Mr Tascona: You're a lawyer by profession?

Mr Denhez: Yes, sir.

Mr Tascona: And you're legal counsel for the Canadian Home Builders' Association?

Mr Denhez: They are one of my clients, yes.

Mr Tascona: They're still one of your clients?

Mr Denhez: Yes, indeed.

Mr Tascona: What kind of work do you do for them?

Mr Denhez: Mostly governance-related issues, a fair number of issues that are handled at the federal level, notably tax.

Mr Tascona: That would stop if you become a full-time member?

Mr Denhez: Clearly. If I become a full-time member, I clearly wind up my entire law practice, including the law practice that I have with them as well as with the other clients I have.

I should perhaps provide some context to indicate that over the last couple of years, the largest studies that I've done have actually been for the Nature Conservancy of Canada, Parks Canada, two heritage agencies of other provincial governments and a federal quasi-judicial tribunal. It's a fairly varied practice.

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Mr Tascona: Are you aware of the conflict-of-interest guidelines for the OMB?

Mr Denhez: I'm aware not only of the Deputy Attorney General's guidelines but also the code of ethics of SOAR, the Society of Ontario Adjudicators and Regulators, yes.

Mr Tascona: What period do you have to stand down with respect to clients?

Mr Denhez: I would be in full windup mode now if this committee—

Mr Tascona: No. If you're on the board, how long would you have to stand down with respect to not being the chair in front of a client?

Mr Denhez: My preference would be to wind up 100% of my private practice before I set foot—

Mr Tascona: No, that's not my question. Assume that you're appointed.

Mr Denhez: Yes.

Mr Tascona: What period of time do you have to stand down with respect to any clients that you've consulted with, once you're on the OMB? Do you know that?

Mr Denhez: I don't know the exact time frame, but I have never represented any individual developers in the province. I have never represented, for example, any individual or local architectural conservation advisory committees in Ontario, even though I hope to found the umbrella group that represents—

Mr Tascona: So you don't know. Maybe the clerk of the committee would have a copy of the conflict-of-interest guidelines for the Ontario Municipal Board.

The Chair: Thank you very much, Mr Tascona.

Mr Tascona: Is that all our time?

The Chair: We'll make sure the clerk does follow up, and that is the 10 minutes.

I would now ask Mr Bisson, for the third party.

M. Bisson: Merci beaucoup, madame la Présidente.

Parlez-vous français?

M. Denhez: Bien sûr, avec plaisir.

M. Bisson: C'est ce que je pensais.

Je ne veux que clarifier quelque chose, très vite. Je ne veux pas prendre beaucoup de temps. Vous avez dit que ça fait 15 ans que vous n'avez pas vu votre ami.

M. Denhez: Non, j'ai dit que je connais—

M. Bisson: Ok. J'ai mal compris. C'est bon.

Sur la question de votre pratique : elle est assez grande? Y a-t-il beaucoup de clients?

M. Denhez: C'est suffisant.

M. Bisson: La raison pour laquelle je vous demande ça, et c'est quelque chose qui m'a toujours achalé un peu quand ça vient à ces appointments-là : vous comprenez que l'appointment n'est pas à vie.

M. Denhez: Non, bien entendu. C'est pour une période de trois ans.

M. Bisson: Exactement. Après trois ans, ça veut dire que tout va recommencer, et des fois ce n'est pas exactement facile. Vous êtes préparé, comprenant que c'est possible que cet appointment ne va pas être renouvelé. C'est toujours possible. Vous comprenez les conséquences.

M. Denhez: Bien sûr.

M. Bisson: C'est quelque chose qui m'a toujours achalé, que du monde des fois changent leur vie complètement pour avoir un appointment de trois ans puis après, ils essayent de recommencer leur commerce. Ce n'est pas aussi facile et apparent des fois qu'on pense. Je ne voulais que faire ce point-là.

L'autre affaire que vous avez dit est que vous n'avez pas d'expérience à représenter les individus. Pensez-vous que ça va être un problème pour vous une fois que vous arrivez au CA? Comme vous le savez, l'OMB parfois est là pour écouter les plaintes ou les procès pour certains individus qui ont un problème avec le planning.

M. Denhez: Bon. Est-ce que ce serait un problème étant donné que je ne suis pas avocat spécialisé dans le litige? Réponse : non. L'avantage que ça me fournit, étant donné la pratique que j'ai eue, est que si j'ai des parties qui sont devant moi, qui sont en train de présenter des arguments portant soit sur le développement immobilier étant prometteur, ou bien s'ils sont partisans du patrimoine ou partisans de l'écologie, ou des citoyens, j'ai déjà participé dans la pratique dans tous ces domaines-là. Alors, s'il y a quelqu'un qui me présente un argument, je n'ai pas besoin de traducteur. Je suis déjà au courant des arguments principaux, et je pense que c'est le fait que j'ai eu une participation directe dans tous ces domaines qui me fournit l'occasion de regarder le dossier objectivement sans parti pris en faveur d'un côté ou de l'autre.

M. Bisson: Je comprends, puis c'est une bonne réponse. Mais le seul point que je vais faire est que parfois le monde se trouve devant l'OMB après un processus qui était assez difficile sous le plan local. Parfois ils sont pas mal frustrés par le temps qu'ils arrivent devant ce groupe.

Ma seule crainte, puis ce n'est pas quelque chose pourquoi je ne vous donnerais pas de support, mais je vais vous donner un avis pour avoir une réplique, c'est que des fois le monde est frustré. Des fois, c'est à cause du processus. Je voudrais m'assurer, dans mon idée à moi, que vous êtes préparé et capable d'écouter, de passer les frustrations aux points saillants du cas lui-même. Parfois, nous autres on sait comme députés que le monde de chez nous est frustré. Il ne faut pas regarder la frustration. Il faut passer la frustration au point de pourquoi la personne est frustrée. Êtes-vous préparé et capable de faire cette étape?

M. Denhez: J'espère que oui, soulignant le fait que, comme vous avez vu dans mon curriculum vitae, j'ai été moi-même le président d'associations de bénévoles. Alors, je saisis parfaitement le point que vous soulignez.

M. Bisson: J'ai confiance que vous allez être capable. Je voulais qu'on mette ça sur le record.

La question qui est plus importante pour moi, peut-être pas pour les autres, est sur votre approche quand ça vient au planning. Vous savez qu'il y a eu de différentes approches quand ça vient à la planification dans une municipalité. Il y a eu une approche qui était changée avec les Conservateurs qui est devenue plus en faveur et favorise plus les développeurs, et moins les questions environnementales et communautaires. Où vous situez-vous là-dedans? Trouvez-vous que vous êtes un progressiste quand ça vient à la planification ou plutôt pour les avocats de l'autre bord?

M. Denhez: Tout le monde aime se faire traiter de progressiste, monsieur Bisson.

M. Bisson: Mais vous?

M. Denhez: Bon. Pour commencer, évidemment, on aurait dû être autruche pour ne pas constater les controverses qui ont eu lieu à la Commission des affaires municipales de l'Ontario depuis quelques années. Il y a eu des développements majeurs. Dans la décision de la Cour suprême du Canada, c'est dans l'affaire de la municipalité de Hudson où on constate que le rôle des représentants élus des municipalités n'est pas perçu de la même façon aujourd'hui qu'il l'était il y a quelques années.

Il y a eu aussi des changements dans le projet de loi 26 au mois de décembre qui prévoient tout justement que ce qu'on appelle les politiques provinciales seront maintenant perçues différemment, en vertu de la nouvelle loi—

M. Bisson: Êtes-vous en faveur de cette loi?

M. Denhez: Eh bien, la loi, c'est la loi.

M. Bisson: Pas nécessairement; mais ce n'est pas la bonne question. Êtes-vous en faveur du concept d'être capable de retourner un procès où on regarde la politique faisant affaire avec le développement—provincial policies? Êtes-vous en faveur de cette approche?

M. Denhez: Si on regarde le mot anglais pour « l'aménagement », le mot « planning », le mot dénote en anglais la notion que les choses peuvent être, sont prévisibles dans la mesure qu'il y a des critères et des barèmes. Elles sont prévisibles. C'est l'élément fondamental et indispensable de tout système d'aménagement cohérent. Alors, dans la mesure que le gouvernement est en train de promulguer une nouvelle loi qui prévoit un rôle distinct pour la politique provinciale, à mon avis

c'est un ajout au rôle que doit jouer non seulement la commission des affaires municipales, mais toutes les municipalités et tous les participants qui doivent prévoir ce qui va se faire dans le développement immobilier en Ontario.

M. Bisson: Je vous remercie. Dernière question.

The Chair: Thank you very much. That concludes the time allocated. Thank you very much, Mr Denhez. You may now step down.

Mr Denhez: Thank you, Madam Chair.

WILBER BRETT

Review of intended appointment, selected by official opposition: Wilber Brett, intended appointee as member, town of Essex Police Services Board.

The Chair: Our second interview this morning is with Wilber R. Brett. He is the intended appointee as a member for the town of Essex Police Services Board. Good morning, Mr Brett.

Mr Wilber Brett: Good morning.

The Chair: As you probably heard me say, you do have the opportunity, if you wish, to make an initial statement. Subsequent to that, of course, you will be asked questions by members of the committee. Each party is going to have 10 minutes. We'll go on rotation. If you make a statement, then your time is deducted from the time allotted to the government party. I don't know if you want to make a statement.

Mr Brett: Yes, I do, Madam Chair. Thank you very much.

I would like to start by thanking you for giving me the opportunity to speak to you today so that you have a better understanding of the knowledge and skills I would be bringing to the Essex Police Services Board. I'd like to take a few minutes to provide you with some background information.

I'm proud to say that I have lived in the town of Essex all my life. I have been married to my wife, Judy, for over 41 years, and we have two daughters and four grandsons. I'm an active member of my church and I sit on the board of directors as a church warden.

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Unlike the vast majority of people, I have been fortunate to spend my entire career in one workplace. The Essex Free Press is a weekly community newspaper and commercial print shop that has been recording the history of the people of Essex and surrounding areas since 1896. It was originally owned by my grandfather, handed on to my uncle and then purchased by myself and a business partner in 1979.

Before transferring the newspaper to my oldest daughter earlier this year, I wore many hats. Commercial printer, typesetter, graphic designer, newspaper production manager, news editor, photographer, publisher and bookkeeper are just some of the job titles that come to mind. I am slowly easing out the business and wish to resume my involvement in community affairs.

That brings me to the background you are probably most interested in: my political experience. I have had extensive political experience at the municipal level. From 1970 to 1980, I was a member of the Essex town council as a councillor, deputy reeve and, for the last four years, as mayor. During my four years as mayor, I was a member of the Essex police commission.

From 1981 to 1985, I took a break from politics and was appointed to the local planning board. In 1986, I re-entered politics, sitting on council for the former town of Essex from 1986 to 1998. In January 1999, the town amalgamated with three other municipalities and I was elected as one of two representatives of ward 1 in the former town of Essex. I held that position until November 2003, when I decided to retire from active politics and to seek other involvement.

Over the years as a member of council, I have had to deal with many police issues, including the annual review of the police budget, the hotly contested move of the police station to the other end of the amalgamated municipality, a review of existing police services in light of an attractive offer from the Ontario Provincial Police, and other sundry issues. With over 30 years of experience dealing with the Essex Police Services Board, I feel that I am amply qualified to serve effectively as a government appointee. Thank you very much.

The Chair: Thank you very much, Mr Brett. We're going to start now with the official opposition.

Ms Scott: Thank you very much for coming today, Mr Brett, and congratulations. You have a long history of public service in your family; many generations preserving your local heritage. So congratulations to you for that.

I would ask: Are you a member of a political party right now?

Mr Brett: Yes, I'm a member of the Liberal Party.

Ms Scott: Were you involved in Bruce Crozier's campaign?

Mr Brett: Not actively. I did contribute financially to his campaign; I've known Bruce for over 40 years, so it was a no-brainer.

Ms Scott: OK. And I'm sorry if you mentioned it before and I didn't hear: How did you hear about this position?

Mr Brett: Being active in politics all these years, I knew there were government appointees, so one day I met Bruce on the street and asked him that if there was ever a vacancy on the Essex Police Services Board to let me know; I'd like to apply. He said that as a matter of fact there was and gave me an application. I filled it out and gave it back to him, and here I am today.

Ms Scott: So you asked Mr Crozier if there were any vacancies and he said, yes, there were, and you applied from there.

Mr Brett: Right.

Ms Scott: I'm interested to hear: You went through amalgamation in Essex and you chose to keep your own local municipal police force as opposed to contracting out with the OPP. And you did—

Mr Brett: Yes. In 2000, I believe, or 2001, council made a decision to request a quote from the OPP as well as from our local police service board, and after waiting about six months for the quote, the council decided to stay with the local police service board.

Ms Scott: Very good. And you've had experience, as a member of council, being on the police service board, you said?

Mr Brett: Yes. From 1977 to 1980, as I said, I was mayor, and at that time there was a judge appointed and, I believe, a member appointed by the province. For a good many meetings, it was the member and myself doing the business. Sometimes we'd have to go to the next municipality where the judge lived to have a dinner meeting, just to catch up with him. So it was an improvement when they got rid of the judges and started making appointments to the board.

Ms Scott: Very good. Have you developed an opinion about whether you feel your community is best served by the municipal police force as opposed to the OPP contract? Do you have an opinion about what works better, or changes?

Mr Brett: I supported keeping our local police. I felt there was more of a local flavour. Most of the officers lived within the municipality—some of them are neighbours, and so forth—and even though the OPP proposal was much cheaper, the atmosphere of the municipality was that they wanted to keep their local department. They didn't really care about the extra expense. So I was satisfied to keep our local force.

Ms Scott: That's interesting to hear. I have that in my riding; part of my municipality says that. So that's interesting feedback. Thank you very much for appearing. I'll just pass it over to Mr Tascona.

Mr Tascona: What do you see as the main policing issues in the town of Essex?

Mr Brett: The town of Essex is a small municipality with a population of 19,000. Basically, it is Highway Traffic Act violations, domestic disputes—much different from a force like in the city of Windsor or even, of course, the city of Toronto, where the force is so big that it's kind of hard to manage. We're small. We had, I believe, 26 officers and the chief and deputy chief, so it's a small force. Other than just plain PR, I don't see much of a problem within our police service right now.

Mr Tascona: Would you want your police force, or the municipality, to have photo radar?

Mr Brett: It would probably be nice to have it, but I don't really think it's a benefit. They're busy enough; we have a small force. I'm not sure it would be that much of a benefit to the municipality, if you're thinking financially—the revenue from it.

The Chair: Mr Bisson.

Mr Bisson: Thank you for coming before us, sir. Let me just come to a whole bunch of questions here. As you know, there is obviously a controversy going on in the city of Toronto right now with regard to some unfortunate actions on the part of some officers. Some people purport that there should be some sort of civilian oversight to deal with complaints, when it comes to complaints against police officers for wrongdoing. What's your view on that? Should it be an internal complaints process or should there be independent civilian oversight of the police?

Mr Brett: I think that should be a judgment of, I believe, the Attorney General's office. If it's a request by the police service board, I would think the Attorney General's office should appoint—

Mr Bisson: No, that's not so much my question. My question is, you know what's happened in Toronto, and I don't want to belittle that, because I think most police officers—the vast majority of them—do a great job. Unfortunately, there are some incidents that do happen where, as with all workers, there are some bad apples. So let's put this in context.

My point here is that there was a time in this province when we did have civilian oversight of the police. If a citizen had a complaint against the police, rather than bringing your complaint to the police at the end of the day, if you weren't happy with the result of the investigation, you went to civilian oversight. That was undone by the Harris government; they got rid of that.

There is some call by some—not all, and it's a bit of a controversial issue—to return to a civilian oversight in cases of complaints that are not adequately dealt with internally by police. I just want to know your view on that. As a person who would serve on the police service board, that's fairly significant, in my view.

Mr Brett: Yes, it is. At this point, I would say it should be left within the jurisdiction of the police service board to decide whether they should bring in an independent body.

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Mr Bisson: So there should be no provincial involvement? I guess the problem that logic brings to me is that in the city of Hamilton you may have a police oversight commission that's independent and civilian, and you may not have one in Toronto. Do you know what I mean? Wouldn't it be better to have one policy across the province?

Mr Brett: Yes, I would agree with that but—

Mr Bisson: My question is about your personal view. You're not going to get failed on your answer. There are different views. I just want to know what yours is.

Let's put it in context. People should, first of all, complain to the police because the police, by and large, do a fairly good job of complaints handling. I know that with the ones I've dealt with in my community—Madame Smith and I have talked about this before—the police do a pretty darned good job of this, but every now and then something goes amok. In those cases, should the citizens have the right to a civilian oversight process, in your view?

Mr Brett: I would say no, at the present time. Unfortunately, with the atmosphere in our population, I think you would have complaints piling up and nobody would ever be satisfied with what the police came up with.

Mr Bisson: I would hope they wouldn't have complaints piling up, because that would indicate there's a

heck of a problem in our society. I think I know what you're saying, but let's not go there.

Mr Brett: OK.

Mr Bisson: That's going to start a whole other debate.

Moving on to another issue—you've answered my question—with regard to employment equity, I don't know what the makeup is currently of the Essex force. Is it all men? Is it a split of women and men? Are there people representing various parts of the community?

Mr Brett: Right now I believe there are two, if not three, female officers and the rest are men.

Mr Bisson: What's your view on that with regard to hiring policies on the part of a police force? Should the police try, as closely as possible, to mirror the community they police? For example, where I come from, there's a large aboriginal component and there should be police officers from the aboriginal community. In Toronto, there are people of various ethnic backgrounds, so the city of Toronto, through Metro, tries to do that to a certain extent. What's your view? If you were on the police services board, put on an HR committee, had to hire, the choice is between two people, and there are some who are underrepresented, how do you feel about that? What would you do?

Mr Brett: I would think we should be hiring the right person for the job, the most qualified person for the job. Unfortunately in Essex we don't have an ethnic background in one part of the municipality or the other, so I can't say that we should be hiring—

Mr Bisson: I understand. My question is: You have two candidates and you have to make a decision. You're underrepresented in a certain part of the community—let's say women, just as an example—and you have two applicants who have passed the process. They have both gone through the interviews and they've both done well. What's your view on the equity issue at that point? "The most qualified person" normally means the guy. In most places that's how it works, unfortunately.

Mr Brett: There are female officers—

Mr Bisson: I'm just saying it's not your fault, but there's still a certain amount of sexism and racism within our institutions. My question is, where would you find yourself on that? If you're underrepresented, do you think we should take into consideration the issue of employment equity?

Mr Brett: I think with the police services board you should be hiring the most qualified—

Mr Bisson: You've answered my question.

How do you reward good policing? That's really the question. There are a lot of officers out there who work really hard, do an excellent job in our communities. They're the vast majority. They are about 99% of our officers. What do we do to satisfy them? Quite frankly, they are sometimes undervalued in our communities. What do we do as a police services board to reward good policing, good decisions on the street? How do we encourage that so we can support our officers on the street?

Mr Brett: At present, with the Essex Police Services Board, they have a PR officer who does an excellent job of promoting the department, the officers, the VIP program. As a newspaper person, we get calls all the time to go and take a picture of officers making a presentation at a school or a group who have gone through the VIP program.

Mr Bisson: I guess what I'm getting at is that when I talk to officers, both OPP and Timmins police, in the riding I represent, often they really feel undervalued. They put up with quite a bit, get paid a salary that some would say is enough or not enough but that's another issue, but really feel sometimes that it's an ungrateful job. They're having to deal with all kinds of issues where people are frustrated because they're being pulled over for a traffic violation, or they're into domestic disputes etc, as you said. The big question is, what do we do as service boards to support those officers, the 99% of them who are doing an excellent job in our communities? What do we do to encourage them? What do we do to reward the work they do for us that sometimes goes unnoticed until something goes wrong?

Mr Brett: I really don't know how to answer that. It sounds like if they're not satisfied or happy with the job, then maybe they shouldn't be a police officer and should be looking for another profession.

Mr Bisson: You've answered my question. Thank you.

The Chair: I would now ask the government if there are any questions.

Mr Parsons: No, that was an excellent presentation.

The Chair: Thank you very much, Mr Brett, for appearing before the committee. You may now step down.

Mr Brett: Thank you very much. It's been a delightful experience.

The Chair: A safe trip back home.

RONALD DiMENNA

Review of intended appointment, selected by official opposition: Ronald DiMenna, intended appointee as member, Kingsville Police Services Board.

The Chair: Our third interview this morning, and our last, is with Ronald DiMenna, intended appointee as member, also of a police services board, this time Kingsville.

You can make an initial statement, and after that, of course, you're going to be asked questions by the committee. Each party has 10 minutes. We'll go in rotation. Any time that you take in your statement will be deducted from the government party.

Welcome, Mr DiMenna, and do you wish to make a statement?

Mr Ronald DiMenna: Yes, I do.

Thank you very much, Madam Chair and members of the committee, for affording me the opportunity to make this presentation on a possible appointment to the Kingsville Police Services Board.

You have my curriculum vitae in front of you. I'm a lifelong resident of the town of Kingsville, since 1946. I

was born and raised on a farm and educated in Kingsville, the Catholic separate school board as well as the Kingsville District High School. Concomitantly, I went on further to post-secondary education and graduated from the University of Windsor in 1970 with a master's degree in analytical chemistry. Then I pursued a teaching career in post-secondary education, community college, taught chemistry for 31 years, and retired in December 2003. I did work for Ag Canada and put myself through university.

As my curriculum vitae states, I have experience in municipal government: I was elected in 1978 and went all the way through the system to deputy reeve and reeve, culminating in 1991, and by virtue of being mayor—or reeve, which is mayor now—and deputy reeve, I was on county council for six years and chair of the county finance committee. I was also chair of the conservation authority, Union Water system, and I'm familiar with the policies and procedures of boards.

I have wanted to continue my municipal involvement toward the community since I retired. Also, if appointed to the police services board, I want to bring a flavour to the board. I am from the rural area of the town. There used to be the town of Kingsville, Gosfield South and Gosfield North in that area. The current composition of the board is all from the former town proper and there is no rural flavour to it. This would also further my community involvement with the residents of the town.

That's my presentation, and I'm ready for your questions.

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Mr Bisson: I really agree with your comment that basically we often lost sight of representing the rural parts of these organizations and it gets to be a real problem. I know that in areas like where you and I live, and others, sometimes it's very difficult to bring that perspective. So I'm glad you flagged that; I think it's really important.

I want to ask you the same questions I asked the previous gentlemen. I'm just going to go right back to it and ask you a couple. Again, for the record, I want to be very clear: 99.99% of police officers work hard; they serve above and beyond; they, quite frankly, are not thanked enough; and sometimes they're—I wouldn't say "undervalued," but under-appreciated when it come to the work they do, and we all know how difficult that job is.

So my first question is: What do we do to reward and help acknowledge the work that police officers do for us, so we can encourage them to keep on doing and keep striving to do better?

Mr DiMenna: I would answer that question in probably two parts. One would be simply—we have an OPP contract, so it would have to work with that. If there was, say, a community relations position, using an officer in that regard, to me it would be a reward to take him away from the actual everyday labours of doing the job of traffic enforcement or whatever the case may be, and allow him to develop professionally.

Second, if there was an opportunity to send this individual to conferences or professional development courses, that's one way of rewarding. If it's salaries—first- or second-class constable—I guess you have to go through the rungs. If there's a promotion, we from the police services board could recommend to the OPP that maybe this person should be in line for a promotion to sergeant or whatever the case may be, assuming they meet the appropriate qualifications.

Mr Bisson: So you do agree with the concept that it's not good enough for us just to sit back and make sure they get a paycheque every week but to be proactive in trying to work with them and recognize the valuable work they do in our communities?

Mr DiMenna: Yes. If there's something that can be done for the individual, I would wholeheartedly agree.

Mr Bisson: The previous gentleman, Mr Brett, said—and I don't want to take this out of context—that if they don't like the job, they can leave. Do you agree with that kind of approach?

Mr DiMenna: No, I don't.

Mr Bisson: OK, that's what I wanted to know.

Let me get back, in reverse order, to the issue of equity. It is not an issue everywhere but it is an issue in some places, and I have no idea when it comes to your police force. I'll just repeat the question: In some communities, probably most in Ontario, there are various people who make up the community, depending on where you live in the province. For example, where I come from, there's a large aboriginal community. Do you think it's important that, as much as possible, we try to find ways through hiring practices to make sure we represent with our officers the community they police?

Mr DiMenna: I wholeheartedly agree with that statement. Based on assuming that all things being equal—they all have the qualifications, they all can do the same jobs—I think the force should actually reflect the demographics of the municipality it serves. It's very difficult to have equal numbers at this stage, but all things being equal, yes, I would probably cast my vote in favour.

Mr Bisson: I agree with you; "all thing being equal" is the way to put that.

The other thing is, let's say you have in your police force—and I don't know if it would be the case—a community that is really under-represented, and I'm just going to use women as an example. Do you believe it's part of the responsibility of the police services board to try to address that by way of recruiting, by advertising that it is looking for police officers and that it is in short supply on the force with women, and try to proactively seek out applicants?

Mr DiMenna: My thinking on that is, yes, we as a board should do everything possible to encourage that. We do have what we call a police services committee, which is representative of all—there are about 21 members on our police services committee, and we try to get people from different walks of life, ethnic groups as well as women etc—whatever the case is. As a member, I

would probably go to them and say, "Give me some ideas of what we could do. Would you support this? Could you go out to the community and actually have a look-see at what's going on?"

Mr Bisson: That's a really good idea, actually.

Before my last question, the issue of oversight, which I raised before—I don't want to get into the whole explanation again, but it is an issue. I've had to deal with this in my own constituency. Again, in 99% of cases, police departments do a really good job of dealing with complaints about police officers. Often police officers are put in a tough spot. They've got to do the job of maintaining the law, and that is not always popular. We need to put that in context—and unfortunately, people get upset and file complaints.

But let's say the person who has filed a complaint is not able to get satisfaction by way of the internal process. Do you believe there should be a civilian oversight committee to deal with those, a committee that is at arm's length and removed from the police service?

Mr DiMenna: If the person complaining went through the appropriate steps—if they come to the police services board with a complaint, we have a sergeant in charge and then we have a police inspector, the head of the headquarters in our area. Let them come back with an appropriate report, and if that's not particularly solvable, then I would say, "Is there a possible solution in our police services board for this?" If there is not, then I do believe there is an Ontario Civilian Commission on Police Services, and I would probably push to refer it to that board.

Mr Bisson: I want to say again that in the experiences I've had, the police do a good job 99% of the time, but every now and then you do get that complaint where—what do you do with it? Anyway, you've answered that question quite well.

I thought you were really good on the issue of how to deal with trying to reward good policing in our communities: those officers who really work hard and sometimes are undervalued, I guess the word is. But let me get to the other point: What do we do when we have cases where something goes wrong; for example, like we've seen on the Metro force? How do you deal with that?

Mr DiMenna: What do you mean by "something goes wrong"?

Mr Bisson: I don't know if you've been following what happened on the Metro force—again, I hope it's an isolated incident, I really do. What do you do if you start to get a whiff that there's something wrong in the police department? How do you approach that as a police service board?

Mr DiMenna: First of all, I would find the person in charge and say, "What depth is this? Bring us forward a report." I would look at that, and if it's very unwieldy—in the particular situation, if they're committing an offence under the Criminal Code, they should be charged like any one of us; let the law take its course. If there's no satisfaction within the internal ranks or whatever the case is, looking at your own people, then I think you have to bring in an outside service.

Mr Bisson: Hear, hear.

Have I got a couple of minutes?

The Chair: Yes. You're getting close.

Mr Bisson: I just want to make the record show the following: I'm going to be supporting your application. I would love to have you on my police services board along with the other people who are there. They do a fine job. I will be voting against Mr Brett for exactly the opposite reasons I'm supporting you. I really got a sense that you know what you're getting into, you understand some of the issues and challenges that face police, and I really feel comfortable in approving your appointment.

I want to say for the record that I will not be supporting Mr Brett. Quite frankly, I think he represents the opposite view, which I don't think is the way I would want to see a police services board operate.

Mr DiMenna: Thank you very much for your confidence.

The Chair: The government has seven minutes.

Mr Parsons: We're fine.

The Chair: The official opposition.

Mr Tascona: Thank you for coming before the committee today. I just want to ask you a couple of questions.

Are you in favour of random testing of police officers for drug usage?

Mr DiMenna: The only way I can answer that, to be quite truthful, is if there was a problem surfacing and it did crop up that substance abuse was prevalent, or whatever the case is. Then I would have no problem supporting it. But if there's nothing to indicate it, then I don't think it's necessary to put those people through that. I think they're professional in their own right.

Mr Tascona: You'd be in favour of it if there was a reasonable basis for it to be done?

Mr DiMenna: If there's a reasonable basis, yes, but I would assume the deportment of the officers—they're professional in nature, whatever the case is.

Mr Tascona: Are you in favour of photo radar within your municipality?

Mr DiMenna: Yes. We do have photo radar, and I'm a victim of it, by the way.

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Mr Tascona: Where do you use photo radar within your community?

Mr DiMenna: On the highways. We have the OPP contract. That's on our municipal roads, as well as the provincial highways. We have two or three provincial highways going through our town.

Mr Bisson: Really? I didn't know you could do that.

Mr Tascona: You've had photo radar. The photo radar system that the province is talking about, is it the same one you have right now? I know police use radar to detect speeders.

Mr DiMenna: Oh, you're talking photo radar.

Mr Tascona: I'm talking about photo radar.

Mr DiMenna: No, we don't have any. I'm sorry, I misinterpreted your question.

Mr Tascona: My question is, are you in favour of photo radar within the municipality?

Mr DiMenna: Am I in favour of photo radar? Yes, on the major highways or the 401, whatever the case may be. I think they would obviously release—

Mr Tascona: How about within your municipality? Are you in favour of photo radar within your municipality?

Mr DiMenna: Within my municipality? No, not at this time.

Mr Tascona: Are you familiar with the civilian oversight process?

Mr DiMenna: No, I'm not. I'm sorry.

Mr Tascona: You're not. OK.

Ms Scott: Thank you for appearing here before us today. I wondered, how did you hear about this position?

Mr DiMenna: I applied through the municipality for a lay appointment to the police services board. The municipality advertised in a local newspaper for appointments. That sort of piqued my interest and I made an application. Obviously it was unsuccessful, because the current member who got appointed by the council was the outgoing mayor. Now, I was in that position myself once. It's one of those things. Consequently, I said, "OK. That's basically what the situation is."

I was at the municipal offices talking to the administrator, and he indicated to me that there was a possibility of a provincial appointment coming up. I obtained, through him from the Web site, an open letter of application and fired it up here. Then the public safety and correctional services area sent me an actual application. I had to sign a form for the police clearance etc, whatever the case is, and then I formalized the application. There was more correspondence coming back that they wanted a letter of reference, as well as a curriculum vitae—resumé—from me, and I submitted that. That's how I found out about that.

Ms Scott: So you applied directly to the overseeing body of the correctional—

Mr DiMenna: It was public safety in the correctional services area, I think, or the secretary.

Ms Scott: OK. You sent your resumé directly in to them.

Mr DiMenna: Yes. It was on the Web site, so they sent me an application.

Ms Scott: OK. Are you a member of a political party?

Mr DiMenna: Yes, I am.

Ms Scott: What political party is that?

Mr DiMenna: Liberals.

Ms Scott: Have you ever donated to the Liberal Party?

Mr DiMenna: Yes, I have.

Ms Scott: Were you involved in Bruce Crozier's campaign?

Mr DiMenna: Not actively; only by donation. I've also donated to other parties as well. They're friends of mine. I've had friends who, when I've run for political office in the municipality, have given me donations, and I reciprocate. There was the PC Party and there was also the NDP.

Mr Bisson: That gets really expensive after a while.

Mr DiMenna: It's unfortunate, but they're friends. Why not?

Ms Scott: I see that in 1999 you dissolved your municipal police force in your area.

Mr DiMenna: Yes, it was amalgamated. Ours wasn't dissolved; the Kingsville was. Ours was Gosfield South. We had the OPP right from day one—I think 1957 or so. We were actually the first one in that area to have the OPP.

Ms Scott: So you've experienced both municipal and OPP contract. What do you feel serves your community the best, the OPP contract or the municipal police force? What's your opinion on—

Mr DiMenna: I'm not familiar with the Kingsville police force, the actual municipal part. We always had OPP when I was reeve or deputy reeve, and we were very satisfied. I think the pros and cons—I wasn't on the transition team but I was on council at the time, and the thrust was made from council that the OPP would be probably much more cost-effective because you have a professionally trained officer. You have access to emergency services, the canine patrol, all kinds of stuff like that. Of course, you don't have an overhead of uniforms or cars or whatever the case is. You pay a flat rate. You pay so much for a well-trained officer and it's one of those things you can budget for.

The Chair: Thank you very much, Mr DiMenna. We've certainly appreciated your being here and we wish you well.

Mr DiMenna: Thank you very much for you consideration and time.

The Chair: You are very welcome.

We've now completed the interviews for this morning. We now have the opportunity to consider the intended appointment of Mr Denhez as member of the Ontario Municipal Board.

Mr Parsons: I move concurrence.

The Chair: Mr Parsons has moved concurrence in the appointment. Any discussion? All in favour? Opposed? The motion is carried.

The next appointment we are going to consider is the intended appointment of Mr Brett as member, Essex Police Services Board.

Mr Parsons: Again, I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion?

Mr Bisson: I hope the government reconsiders. This gentlemen, although he is probably a great individual, is opposed to rewarding officers who do a good job. His attitude is, the officers should quit if they don't like it. Do you really want somebody like that on your service board? He is opposed to employment equity and trying to get the police to represent the community that it serves. He is opposed to the idea of having some form of oversight in cases where something has gone wrong and there has been no solving of a complaint. I seriously

think the government should reconsider and vote against his appointment.

If you vote for him, you are condoning his position, which is: You fire a cop because he's unhappy about the way he's being treated. That's not the kind of person I want at the police services board representing police officers who work really hard, who are under valued, who are sometimes under-appreciated. They need support at the police services board, and I believe we should be voting against this appointment. I think it's a bad appointment.

The Chair: Thank you, Mr Bisson. Any further discussion?

Mr Bisson: Recorded vote.

Ayes

Berardinetti, Orazietti, Parsons, Qaadri, Scott, Smith, Tascona.

Nays

Bisson.

The Chair: The motion is carried.

We will now consider the intended appointment of Mr DiMenna as member, Kingsville Police Services Board.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion?

Mr Bisson: For the exact opposite reason I'm going to be voting in favour of this gentleman's appointment. I want to put it clearly on the record: This committee has a responsibility to vet appointments. If we get bad appointments, we should be doing our job, which I think we just failed to do on the previous vote.

This gentleman clearly, I think, understands policing. He has done an admirable job of responding to questions. He looks at things from the perspective of representing the community. More importantly, what I was quite satisfied with was the issue that he understands that our police officers need support. That begins not only with the cop on the beat and the sergeant and the police chief at the police station but also having a supportive police services board that understands that our officers need support and sometimes need to be told they are doing a good job, because they are under valued. Along with all of the other issues he responded to, I have no problem supporting this gentleman's application.

The Chair: Thank you very much, Mr Bisson, for those comments and reminder of the purpose of the committee.

Any other discussion? If not, all in favour? All those in favour, would you please raise your hands.

Ayes

Berardinetti, Bisson, Orazietti, Parsons, Qaadri, Scott, Smith, Tascona.

The Chair: Opposed? None. The motion is carried.

I believe that concludes the meeting.

Mr Bisson: Other business.

The Chair: Other business. I know—

Mr Bisson: Very, very quickly. One minute.

The Chair: All right. We were going to postpone that. You had indicated that you might want to take a look at possible agency reviews.

Mr Bisson: I understand that we are going to do that at a future meeting.

The Chair: Yes, we are.

Mr Bisson: I have no problem with that. I just want to raise something very quickly. I just remind members that the function of this committee is to review appointments. I think we should have, at one point, an in camera discussion.

Interjection.

Mr Bisson: Thank you, Mr Orazietti, for your many years of service and experience here in the Legislature. I really appreciate it.

My point is this: we should, at one point, have an in camera discussion about the role of this committee, maybe at a future meeting so that we understand what our responsibilities are when it comes to appointments.

The Chair: Thank you very much. Any other business? Seeing no other business, this meeting is adjourned until probably, at the earliest, May 12.

The committee adjourned at 1130.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Wednesday 19 May 2004

Mercredi 19 mai 2004

The committee met at 1004 in room 151.

SUBCOMMITTEE REPORTS

The Vice-Chair (Mr David Orazietti): I'd like to call the meeting to order. Welcome to the standing committee on government agencies. Our first order of business is the report of the subcommittee on committee business, dated Thursday, April 29, 2004.

Mr Lorenzo Berardinetti (Scarborough Southwest): Mr Chair, I'd like to move adoption.

The Vice-Chair: Any discussion? All in favour?

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): This was dealing with the certificate received on April 23 with respect to the Ontario Clean Water Agency, Mr Elston being chosen.

I just want to draw to your attention that we originally called Murray Elston to appear because he was listed on the certificate as being appointed to the Ontario Clean Water Agency board of directors, a board which is entirely composed of civil servant members. We also were confused because his short bio drew attention to the fact that he had been appointed to the board as a member, and the records on the PAS Web site did not indicate this appointment had taken place, so we were confused.

This raises a concern for us. If we had not noticed this discrepancy and called him to appear based on that, he could very well have passed through this committee without being selected for review and had his order signed for appointment to the Clean Water Legacy Trust board of directors without this committee knowing anything about it.

We are limited by the information that is provided to us on certificates by the Public Appointments Secretariat. We're concerned about situations where there are serious errors in the certificate, such as occurred in this case. We'd like the Chair to raise this matter with the secretariat on behalf of the committee and inquire what process is followed by the secretariat when it is discovered that the certificate was in error.

Will this committee get the opportunity to select those individuals for review when the error has been corrected through an amended certificate or will we be held to the current timelines even if we are operating with incorrect information? And what happens if the error is discovered after an order has been signed by the Lieutenant Governor?

Those are our comments on the subcommittee report of April 29. We've got some serious questions with respect to that, and we'd like those questions answered.

The Vice-Chair: That's a fair comment, Mr Tascona, and thank you for your comments. Certainly there was an error in terms of the agency that was on the certificate. It has been withdrawn. There was a letter, and it has been corrected to read "the Clean Water Legacy Trust board of directors." I'm just going to ask Ms Stokes to comment on that, and we'll certainly be happy to bring further information back to this committee in a process that will ensure that you have ample opportunity to call those people you feel need to be questioned before the committee.

Mr Tascona: Well, there are questions we have in terms of process with respect to that matter, because it relates to the subcommittee report of April 29, which involves Mr Elston. We'd like those answered.

Clerk of the Committee (Ms Anne Stokes): In this particular case, I was advised by the Public Appointments Secretariat after the certificate had been received and distributed to the subcommittee members that there was indeed an error in that certificate, that it was not the Ontario Clean Water Agency board of directors and it should, instead, have read a different agency, the Clean Water Legacy Trust board of directors.

The Public Appointments Secretariat, the same day, issued an amended certificate, and we subsequently also received a withdrawal of the first incorrect one, meaning that the intended appointment was no longer for the incorrect agency, but the amended certificate reflected the correct intended appointment. We reissued the certificate, and the deadlines and so on proceeded from that date of the amended certificate.

Mr Tascona: I thank you for that, but we'd like those questions posted to the secretariat. I think we need to know that, because in the future we need to know the process so we can act properly as a committee when in fact the certificate is in error. So I'd like that put forward.

1010

Clerk of the Committee: I can write to the Public Appointments Secretariat and ask them to clarify that.

Mr Tascona: Thank you.

The Vice-Chair: With those comments, any further comments on the subcommittee report of April 29?

Mr Berardinetti: I move adoption of the request from Mr Tascona that the clerk contact the secretariat regarding the concerns raised.

The Vice-Chair: All in favour? Carried.

The next order of business is the report of the subcommittee on committee business dated Thursday, May 6, 2004.

Mr Berardinetti: I move adoption.

The Vice-Chair: Any questions or comments? All in favour? Carried.

Our next order of business is the report of the subcommittee on committee business dated Thursday, May 13, 2004.

Mr Berardinetti: I move adoption.

The Vice-Chair: Any discussion? All in favour? Carried.

With that, I'd like to also advise the committee that we have received notice of the withdrawal of the name of Murray Elston as intended appointee to the position of chair of the Ontario Clean Water Agency board of directors. I think that's in reference to Mr Tascona's concern. It's also noted on our report here, and those concerns that you have raised will be brought back from the secretariat.

Mr Tascona: What notes did you receive for the—

The Vice-Chair: This was simply a comment here that was to be read into the record in relation to the comments you made and the notice of withdrawal. Murray Elston's name was corrected on the certificate to read "the Ontario Clean Water Legacy Trust."

Denis Perrault, a selection from the certificate dated April 30, 2004, intended appointee of the Agriculture, Food and Rural Affairs Appeal Tribunal board of negotiations, is scheduled to attend a committee meeting on June 2, 2004, pursuant to standing order 106(e). We need unanimous consent by the committee to extend a 30-day deadline for consideration. Do we have unanimous consent to do this?

Mr Berardinetti: I'll move that.

Mr Tascona: I'll second it.

The Vice-Chair: All in favour? Carried.

Mr Peter Kormos (Niagara Centre): On a point of order: Why don't you ask if there are any people opposed and give us naysayers a chance?

The Vice-Chair: You certainly have that opportunity, Mr Kormos. It's unanimous consent of the committee to extend the opportunity—

Mr Kormos: You say "All in favour?" and then you say "Opposed?" Just a little thing.

The Vice-Chair: OK. Thank you. It looks like we have unanimous consent for that. We'll move on to the appointments review.

Mr Tascona: There's another point that I want to raise, because it arose out of a letter that we had received in terms of the matter that I had raised, and it concerns Daniel Burns. We found out through the Queen's Park reporting agency that under appointments, Michael Fenn had been named interim chair of the Ontario Realty Corp, replacing Daniel Burns, who came before this committee, I believe just before—early April.

We had received a letter dated April 27, 2004, from Debra Roberts, who is a director of the Management Board of Cabinet, to Anne Stokes, the clerk of this committee, with respect to appointments, in particular Mr Daniel Burns, because the biographical information that we had received was different from what was reported in the Toronto Star after we had dealt with this individual. We understood in the committee that he was a retired civil servant for the provincial government, and then we found from the Toronto Star report that he in fact was a consultant for a land development company, I think it was Geranium Corp. I raised that, with respect, and we got an answer back.

The information, as best I could find out from Anne Stokes, our clerk, is that Mr Burns resigned from the Ontario Realty Corp as chair sometime between April 7 and April 28. I don't know what the reasons are. I haven't been given those. But we only found out that he had been replaced by Michael Fenn. Two points. Michael Fenn has been named interim chair of Ontario Realty Corp, which means he bypasses this committee. This is another appointment that is bypassing the committee, because he's an interim chair. Also, the letter that Anne Stokes receivedconcerning Daniel Burns was dated April 27, and the way it's presented, one would take it that Daniel Burns was still chair of the Ontario Realty Corp, when in fact he resigned between April 7 and April 28, according to Ms Stokes.

What I'd like to know is, why is this committee being bypassed again with respect to appointments, especially after we had reviewed Mr Daniel Burns for chair of the Ontario Realty Corp, and then we have an interim appointment? Secondly, when did this individual resign? Because from the letter we received, April 27, to this committee, he would appear to still be a member, actually still the chair of the Ontario Realty Corp, and I don't know the reasons why he would have resigned. I'd like to know.

Having gone through the process of reviewing this individual, he subsequently resigns and then we have an interim appointment which bypasses the committee. I find that very troubling that we would only find out about him being removed through a publication that goes to Queen's Park. That's the only way we would have found out, because as of April 27, we still believed that he was a member as the chair of the Ontario Realty Corp. We have some real concerns about this bypassing the committee and, secondly, not being aware that he had in fact resigned, and then we get an interim appointment.

We're only finding out about these things through the news media, and this committee is not operating in the way it should be operating as the review part of the appointments of the government. I'm getting tired of finding out about things in the paper, about what's going on with appointments. That started with the Ontario Energy Board, went through to this thing with Mr Burns, and it continued on with respect to other appointments. One of them we'll deal with today, Sylvia Sutherland. I want that on the record, and I want some answers.

The Vice-Chair: OK. Thank you for your comments, Mr Tascona. You're certainly correct in noting that he

did resign, and I don't have the information as to why at this particular point. I'm going to ask the clerk to contact the Public Appointments Secretariat. In the situation where the chair resigns, they need to appoint an interim chair, and we're going to start the process again to get that chair, and I expect the committee to be involved in that process and, as you said, not be bypassed. So I'm going to ask the clerk to review that information, your comments, and get back to this committee with information from the Public Appointments Secretariat.

Mr Tascona: I appreciate that.

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INTENDED APPOINTMENTS

SYLVIA SUTHERLAND

Review of intended appointment, selected by official opposition party: Sylvia Sutherland, intended appointee as member, Council of the College of Physicians and Surgeons of Ontario.

The Vice-Chair: We'll move to the appointments review at this time. Our first interview is with Sylvia Sutherland. Please come forward.

You have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there are questions from committee members. At our last appointment review, we started the questioning with the Liberal Party, so we'll commence questioning today with the Progressive Conservative caucus. Each party will have 10 minutes allocated for questions, and we'll go in rotation, as is also the practice of this committee. Any time you take in your statement will be deducted from the time allotted to the government party. Welcome, and please proceed.

Ms Sylvia Sutherland: Good morning to you, Mr Chair, and members of the committee. I would like to thank you very much for this opportunity to appear before you with respect to my intended appointment to the council of the College of Physicians and Surgeons. I look forward very much to the challenge that appointment will present and to the opportunity to, hopefully, be a strong voice for communities across the province, which are struggling to deal with the reality of a shortage of primary care physicians.

I know that you have seen my CV, and I would like to take just a few brief minutes to amplify what is written there. I am in my 13th year as mayor of the city of Peterborough. We are a separated municipality of 72,000 people within the county of Peterborough. The total population of the city and county of Peterborough is in the order of 120,000 people, 20,000 of whom at the moment are without a primary care physician.

The situation in the city and county of Peterborough is replicated in towns and cities across the province. My interest is not parochial but a deep concern for primary health care in all communities. It is an issue my community is attempting to address with an integrated health care model that will, hopefully, receive the blessing of the province, and which could act as a model for other communities.

The shortage of family physicians is, of course, not the only challenge facing health care or the College of Physicians and Surgeons, and it is one that, in its recent report, Tackling the Doctor Shortage, the college has shown itself eager to address. There are other challenges: of regulation, of validation, of communication. I realize that these will be new challenges for me, but I have always been eager to take on new challenges, and I am hopeful that I can contribute in a positive way to the deliberations of the college.

I am certainly no expert in health care, but I believe I do have a background and experience that can be helpful to the college. In an earlier life, I was a journalist, a newspaper reporter, and for a period I taught journalism. I believe this gives me some expertise in communication which could potentially be helpful to the college.

While I have not been directly involved in health care, I have been involved on the periphery, if you will, of health care. In 1981, I was appointed to the Badgely Commission on sexual abuse against youth and children and served on that body through the completion of its work and report, a period of about four years. I was a member of the public relations committee of the former Peterborough Civic Hospital, on the boards of the local branch of the Canadian Mental Health Association and Marycrest Home for the Aged. I did not serve on those bodies, by the way, in my capacity as mayor, but as a private citizen.

As a delegate to the 35th General Assembly of the United Nations in 1980, I served on the third committee, which is the Social and Humanitarian Committee, and which dealt, in part, with health care challenges in the developing world, which are probably unimaginable to many Canadians.

As mayor of Peterborough, I have worked with all three political parties as each formed the government of Ontario and was appointed to committees by each of those parties during their term of office. I am a Liberal, but I am, first and foremost, a municipal politician whose primary concern is the well-being of her municipality and the viability and overall health of all municipalities across the country. I believe I have the support of citizens of all political stripes in my own city, as witnessed by the fact that in the last municipal election campaign my campaign chairperson was an active member of the NDP, my bagman a high-profile Conservative, and the chairman of my poll organization a long-time Liberal, so I think it crossed the lines.

I am open to new ideas and challenges, I listen, I have broad experience working with different groups, and I receive daily input from the public. I believe all of these will be of benefit to the Council of the College of Physicians and Surgeons, and I look forward to working with that body if I am so fortunate as to be appointed to it.

That's my statement.

The Vice-Chair: We will begin with the Conservative caucus.

Mr Tascona: Thanks very much. I just want to raise for the record, from Hansard of April 19—here we are, today is May 19—and in response to a question by the member for Peterborough, the Minister of Health and Long-Term Care basically said, "I'm pleased to say that this government appointed Mayor Sylvia Sutherland to the board of the College of Physicians and Surgeons so that she could be a strong voice there for communities like Peterborough that are struggling without enough access to family practitioners." Just for the record, we haven't even interviewed Ms Sutherland. I'm not questioning your credentials, but it's once again a little premature of the government to say that they have already appointed someone one month earlier than we in fact interview someone.

So here you are today, and we welcome you to the committee.

Ms Sutherland: I would agree. That came as a surprise to me as well, actually. It's a bit of an embarrassment, but—

Mr Tascona: I'm just going to ask you one question to start off. What do you feel about foreign-trained professionals?

Ms Sutherland: I think there is a tremendous opportunity for us to access the skill and training of foreign-trained professionals. I was glad to see in the recent report by the college that it seems they've undergone a sea change in their attitude there, where they're actually trying to facilitate the ability of foreign-trained professionals to practise in the province. Of course, we have to be vigilant that their qualifications are the right qualifications, but I think the public perception has been that there has been too much of a closed shop. We have hundreds of doctors in this province who have been trained elsewhere, indeed, some of them people from Ontario who have taken training in the United States or Europe or somewhere else and have found it difficult to practise in Ontario, others from very qualified medical schools in other places. Given the situation we're facing in Ontario, I think we have a tremendous opportunity.

I had a call last year from a woman looking to locate in Peterborough, but her husband was a native of Cuba who was trained in the United States and couldn't practise in Peterborough because he couldn't get permission to do that. So I think there's tremendous opportunity here, and I was really glad to read the report that came out just a few weeks ago from the college on this subject.

Mr Tascona: Thank you. I think Mr Yakabuski has some questions.

Mr John Yakabuski (Renfrew-Nipissing-Pembroke): You talked about the broad support you have within all political parties, and that's commendable. I didn't catch it: Are you a member of a political party?

Ms Sutherland: Yes, I am. I'm a member of the Liberal Party.

Mr Yakabuski: You're a member of the Liberal Party. Have you made financial contributions to the Liberal Party?

Ms Sutherland: I've made financial contributions to the Liberal Party, I've made financial contributions to the NDP and I've made financial contributions to the Progressive Conservative Party, which—

Mr Yakabuski: And we thank you.

Interjection.

Ms Sutherland: Yes, this probably comes as a great surprise to some of my Liberal friends as well.

Interjection.

Ms Sutherland: No, not necessarily.

Mr Yakabuski: How did you hear about this appointment?

Ms Sutherland: I received a call from my MLA, Jeff Leal. Apparently, the minister's office asked whether I would consider applying for the position. I gave that some thought and I said yes. I let him know that I would do that and then I received an application form, which I filled out and submitted, with the understanding I'd be interviewed.

To address the comment at the beginning, I then received a letter of congratulations from the chairman of the hospital board, and I said, "For what?" Well, I got a call and then the letter came—

Mr Yakabuski: You see, sometimes government moves faster than we think.

Ms Sutherland: Faster, because I hadn't seen Hansard and I wasn't aware that that statement had been made. It came as a surprise.

Mr Yakabuski: How often is this board of the College of Physicians and Surgeons going to meet?

Ms Sutherland: It meets two days a month and it meets four months out of this year, I believe. The next meeting is coming up in a week's time. I think there are two meetings, four days, in the fall. Then there are various committees, and I'm not sure of the frequency of the meetings of the committees.

Mr Yakabuski: There are meetings and then, of course, there's preparation for those meetings.

Ms Sutherland: Yes, there is.

Mr Yakabuski: One of the questions I have is, as the mayor of a city of 72,000 people—and we all know how the demands of municipal governments have changed over the years with respect to the number of issues they're dealing with themselves—is it a concern of yours at all that because of your responsibilities as the mayor of Peterborough, which I would assume at 72,000 people is pretty much a full-time job these days—

Ms Sutherland: It is a full-time job these days.

Mr Yakabuski: —whether or not you're going to be able to put the kind of time into this College of Physicians and Surgeons appointment, enabling you to alleviate some of these concerns? You said that one of the reasons you have for applying for this job is you're very concerned about the 20,000 or so residents in Peterborough who don't have a family physician. Are you going to be in a position to put in the kind of time in this appointment to really focus toward that, with what's got to be an unbelievable amount of responsibilities as mayor of Peterborough?

Ms Sutherland: That was one of the considerations I had, frankly, when I was asked this. I wouldn't have put

my application in if I didn't think I could. I served as mayor of Peterborough when I sat on the provincial round table on the environment and the economy a number of years ago, and that certainly was time consuming as well.

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I, at the moment, am widowed. I have responsibility for my Jack Russell terrier and nothing else.

Interjection.

Ms Sutherland: No. That was a consideration, and I'm absolutely convinced I certainly can afford the time. There is some preparation work. I'm hopefully a reasonably quick study. I can do the preparation work, and I certainly can afford the time, but that was a consideration.

Mr Yakabuski: Well it's my understanding that your Jack Russell is very well cared for, by the way. Thank you very much.

Ms Sutherland: Yes, he is. I don't know how you know that.

Mr Kormos: Ms Sutherland, thanks for dropping by.

Ms Sutherland: Well, thank you for the chance, Mr Kormos.

Mr Kormos: I applaud your candour. You know, I'm not a regular member of the committee, but I drop in from time to time, because we're always looking for the smoking gun. We're always looking for the person who's some sort of partisan hack. Mind you, there have been partisan hacks who have been floated through this committee who do not want to identify that relationship. Quite frankly, there's nothing wrong with patronage, as long as patronage is accompanied by competence. I mean, it's patronage that is intermixed with gross incompetence that's repugnant. I don't care where it comes from.

I have no hesitation in noting your competence and ability to do this job, fulfill this role and, quite frankly, do it well. Honestly, had you put your short comments into a written form attached to your CV, I suspect you would have scared off anybody from even calling you before the committee, because we're looking for the people who try to conceal this stuff. I commend Mr Leal. I mean that's his job as an MPP, to scout out in his community people who would do these sorts of things. So I commend him for doing that and for exercising, I presume, some good judgment in whom he called upon. I have no concerns about your appointment.

I do want to raise the issue of MRC audits with you. Dr Tony Hsu, a Welland pediatrician whose birthday was May 12—unfortunately, he didn't celebrate it, because he's dead. He died after an incredibly abusive assault on his integrity and upon his family's savings, as a result of an MRC audit—over $100,000 clawed back. I'm sure you know that physicians and surgeons and doctors across Ontario have been rallying around this issue, one calling for a suspension, a freeze, a moratorium on audits until such time as an inquiry is completed with recommendations for a fairer audit process. The Minister of Health indicated that Judge Cory was going to be appointed—has not been as forthcoming around the issue of the freeze, the moratorium. Have you got views on this?

Ms Sutherland: First of all, I was very pleased, Mr Kormos, to see Justice Cory's appointment. My initial reaction was that hopefully the audits—I can understand the concerns of the doctors regarding the audits. I would hope, given the fact that Mr Justice Cory is looking into this, that the audits being done now would be more judiciously done, if you will.

I guess I have some concern about a freeze on the audits. I would hope Mr Justice Cory's review would be done expeditiously and that that would improve the situation. I do have a concern about the freeze on the audits, because I think there have obviously been situations where, in fact, there have been abuses. So I would hope for a more judicious use of the audits and for a quick report, as quickly as possible, by Mr Justice Cory.

Mr Kormos: I appreciate your comments. I was hoping that you were going to come up with a more liberal, broader—

Ms Sutherland: If I were 20 years younger, I might have been liberal or broader. I don't know.

Mr Kormos: I hear what you're saying, and I think you've tried to answer the question. All I ask of you is this—and I expect your appointment is going to be approved today—that you make yourself available. I'm going to talk to the doctors who have been spearheading this campaign. All I ask of you is this: that you make yourself available to them for them to brief you and discuss with you their concerns, because they don't agree with you.

Ms Sutherland: I'd be anxious to hear their concerns.

Mr Kormos: Do you promise me that you'll talk to them?

Ms Sutherland: Yes, I do.

Mr Kormos: OK. Thank you. I appreciate it.

Ms Sutherland: I want to learn.

Mr Kormos: I know you'll keep that promise.

Ms Sutherland: I will keep that promise, Mr Kormos.

The Vice-Chair: Liberal caucus?

Mr Berardinetti: We waive our questions.

The Vice-Chair: Just for the record, the committee should be aware that Minister Smitherman has responded to a letter that was written by Ms Witmer, dated April 29, where he makes reference to his mistaken reference in the House.

Interjection.

The Vice-Chair: I'd like it in the record, though.

Mr Kormos: You've got it in the record.

The Vice-Chair: Thank you, Mr Kormos. I'm going to finish now.

When Minister Smitherman makes reference to the appointment of Peterborough mayor, Sylvia Sutherland, the comment should have read "intended appointee to the board."

That concludes your interview. You may step down.

Ms Sutherland: Thank you very much.

ROBERT SCHMIDT

Review of intended appointment, selected by official opposition party: Robert Schmidt, intended appointee as member, Essex, Kent and Lambton District Health Council.

The Vice-Chair: Our second interview is with Robert Schmidt. As you are aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there are questions from members of the committee. Each party will have 10 minutes allocated for questions. We'll go in rotation. Any time you take in your statement will be deducted from the time allotted to the government party. Welcome, and please proceed.

Mr Robert Schmidt: Good morning, everyone. My name is Rob Schmidt. I am the nominee for the county of Essex to the Essex, Kent and Lambton District Health Council. Quite frankly, I'm a little surprised to be called before this committee, because I would have thought that with my qualifications and commitment to the good health care of Essex county—my ability to represent the people of Essex county satisfied Essex county council—my quick appointment would have followed.

Nevertheless, I do welcome this opportunity to be here today, not so much to give you some personal background, but more importantly to discuss very briefly some of Essex county's health care issues and to try to answer your questions.

I believe you have seen my CV, so I will only point out some of the health-related items. I am a past board member of the Windsor-Essex health unit. I worked with Together in Caring, which was a fundraising group for our local hospital restructuring, resulting in capital upgrades. Our portion was approximately $40 million. I am a past chair and present member of our county committee in charge of the Sun Parlour Home, which is a 200-bed, long-term-care facility that the county operates.

I'm presently chair of the board of the Leamington Mennonite Home. We offer a full continuum of elder care: townhouses, condominiums, apartments—some geared to income—as well as rest home and long-term-care facilities, and we are presently building a $9.5-million, 84-bed, long-term-care facility; it's about half done.

For the last three years, I have been president of the local Essex-Windsor Cancer Society. I am on the Essex county committee in charge of operating the Windsor-Essex land ambulance system. I have taken part in a couple of doctor recruitment tours to universities.

As far as health care issues in Ontario and especially in Essex county are concerned, health care is in a critical condition. We have some very significant challenges in Essex county. We are one of the fastest growing, population-wise, municipalities in Ontario. We have some of the highest cancer and heart disease rates in Canada. We have higher than average mortality rates, significantly shorter average life expectancy and disability-free life expectancy.

We also have, unfortunately, a much higher prevalence of unmet health care needs. We have a severe doctor shortage. The last numbers, according to the province, are 212. We know that number is low: It's based on the 1996 census, and our population has grown from 321,000 to around 380,000 in that period. Many of the doctors listed there are no longer practising. One doctor, for instance, has been in a rest home for the last five years.

There are emergency room delays for walk-in patients. Our ambulance system also has delays, code 7s, where we can't unload patients for hours on end. There are funding inequities. Our county is now paying 62% of the ambulance service when there is supposed to be a 50-50 split with the province. Children's mental services in Windsor-Essex county are in a very serious state, according to the executive director of Children's Mental Health Ontario. It's probably the worst in the province. We have 700 kids waiting for mental health services, some 18 to 24 months. We have the highest male suicide rate in Ontario. We have long-term-care funding inequities, where non-profit and charitable facilities get 10% less funding than the for-profits do. We have supportive housing cutbacks and programs cancelled without new programs being put in place. We have inadequate CCAC funding, inadequate staff and programs. We have a health unit that is underfunded by the province.

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Our health care system is in critical condition. Although we do have some excellent facilities and great, dedicated staff, we are short of equipment, extremely short of staff and significantly underfunded. Without some changes and more resources, and without all levels of government, all political parties and all service providers and consumers working together, our health system will self-destruct under the stress of our aging population, with expensive new facilities, treatments and medicines competing for the limited resources we have.

I am here to try to help fix the system. I hope you are as well.

The Vice-Chair: Thank you very much for your comments. We'll begin with Mr Kormos.

Mr Kormos: Which council?

Mr Schmidt: Essex county council.

Mr Kormos: I understand that in January of this year, the city of Windsor, which is entitled to a nominee on the health council, withdrew its participation. What's going on there?

Mr Schmidt: City council will have to speak for themselves. It's my understanding that they've withdrawn from all committees they don't directly fund because of their immense workload. I personally think it's a mistake, because we do directly fund a lot of health care: the health unit, long-term care, ambulance service. We're doing doctor recruitment. We're doing all kinds of things we never used to have to do because of the downloading. I think it's a mistake that they're doing that, but that's their choice.

Mr Kormos: So you're a member of the Essex council.

Mr Schmidt: Yes.

Mr Kormos: So does the Essex council assume that their nominee has to be a member of their council, or can it be another resident or person who is not necessarily a member of their council?

Mr Schmidt: They don't assume that it has to be a member of council; traditionally it has been because it's easier to report back to council. I think the feeling is that local politicians, for whatever reason—maybe they're more accessible, more well known—get a lot of phone calls on a lot of issues, many of them health-related, and perhaps have a better feel of what the local needs are.

Mr Kormos: I respect Essex having the responsibility to nominate a person. I respect their choice. I'm just wondering why you were surprised to be called before the committee. I found that a surprising comment.

Mr Schmidt: Because my understanding is that it doesn't normally happen for a job like this that is non-paying, that represents the local municipality. I'm not representing the government of Ontario; I'm representing the county of Essex. That's my appointment. It's not that I don't realize that you have a responsibility to OK those nominations, but I would have thought that you would have been more concerned with other nominations. I do relish the idea of talking about health care issues. I hope that's what we would talk about.

Mr Kormos: Let me take a look, because, as I say, I'm not a regular member of the committee. Fair enough. As it was, you were the choice of the official opposition. Who led you to believe that people who are nominated in the way you were aren't normally called before the committee?

Mr Schmidt: County council is unaware of any previous nominee being called before the committee. My predecessor, who was a PC and actually ran in the last provincial election for our area, wasn't called before the committee, yet he also did a good job of representing—

Mr Kormos: Fair enough. I'm not suggesting—you heard Ms Sutherland, the mayor of Peterborough, make her comments, right? You saw how she came clean right off the bat? Because you've got opposition members here who are going to try to nail you, saying, "Have you ever belonged to"—what is the line?—"Are you now or have you ever been a member of the Liberal Party of Ontario?" or, "Have you made contributions to the Liberal Party? Are you an intimate with Dalton McGuinty?"

The illustrative thing about Ms Sutherland's participation in the committee—just come clean upfront and you disarm all the pit bull questions. Is there anything you want to tell us?

Mr Schmidt: I am a member of the Liberal Party. I don't get too involved in what happens, partly because of some friendships I've developed with some of the people before they became members. But I am a local politician. I like the fact that local politics is not party-oriented, that I can work with members of all parties.

I quite frankly think that health care should be above politics. It's too important an issue to become political. In my 15 years on municipal council, I have worked with governments of all three parties. I've tried to work with all three governments. All three have done some good things; all three have done some terrible things.

I think, on the whole, I'm representing my local municipality. I'm not representing any political party. Those choices are mine based on what I think is best overall. I have criticized all three political parties in the last 15 years.

Mr Kormos: So have I.

Mr Schmidt: As I said before, health care should not be a political issue. It's too important an issue. That's why I like local politics, because we don't have party politics in our area at the local level.

Mr Kormos: I'm going to support you because you're the nominee of the council and because your background is consistent with what I understand to be the demands of the health council. Unless somebody gets trotted in here who is a real dog—and trust me, I've heard the barking all the way down the hall from time to time; they've got the leash and the muzzle on him as they drag him in. But I respect the right of the council—we shouldn't be asking councils to nominate if we don't respect their nominations.

I find Windsor's position disturbing, because it doesn't have to be a council member, obviously. That's why I asked you. Nobody is under the illusion that it has to be a council member. For them to withdraw from that is a real abdication, especially now, when health councils over a period of time have become defanged, if you will, because of some of the intervention that came from Queen's Park. It's disappointing. Is there anything you can do to encourage Windsor to exercise its responsibility?

Mr Schmidt: I know a number of the Windsor councillors. I would hope that they would change their mind. Some of it might be due to the fact that district health councils are not well known locally. Most people don't know who their district health council members are. They know other people. For those issues that they should be talking to those members on, they're talking to local politicians or provincial politicians or professionals in the medical field. Somehow that should be changed, because it's unfortunate that those district health council members don't have a more prominent role.

Mr Kormos: Thank you, Mr Schmidt.

The Vice-Chair: The Liberal caucus?

Mr Berardinetti: We waive our questions.

The Vice-Chair: Thank you. Conservative caucus?

Mr Tascona: Thank you for coming to our meeting here.

I just want to ask the clerk: There's a footnote number 10 on page 12 of the research and information report. It has to do with, "Dave Hall, 'Council Bows out of Liaison Role,' Windsor Star, 26 January 2004." Can we get a copy of that for the committee, and in future, when we have these footnotes, can we have copies of those? I don't know why we have footnotes if we haven't got a copy of the information.

I didn't really pick up on why Windsor doesn't want to be part of the DHC.

Mr Schmidt: As I understand, it's not specifically aimed at the DHC. They've made a purposeful decision to withdraw from any committees that they don't directly feel they're involved with because of the workload of municipal councils now.

Mr Tascona: OK. How did you find out about the position?

Mr Schmidt: It's a normal county council position that we have to appoint.

Mr Tascona: Did anyone contact you from the local party?

Mr Schmidt: No. I was asked by our warden, because of my past history on these issues at the county level, at the local level, at the charitable level.

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Mr Tascona: As to your background, in your bio you say you're a farmer. Do you presently farm?

Mr Schmidt: Very little any more, I don't have time, but yes.

Mr Tascona: What do you do then?

Mr Schmidt: What do I do? I still farm, but I don't spend as much time at it as I used to or as I should.

Mr Tascona: What do you spend most of your time at?

Mr Schmidt: Meetings like this.

Mr Tascona: What do you spend most of your time at? What are you gainfully employed at?

Mr Schmidt: I still have to pay taxes on my farm income. Obviously I'm not farming, right? Most farmers don't have to pay taxes. I've reduced my amount of farm income. My farm's paid for. I have spent the majority of the last number of years working on issues representing my municipality, both politically and charitably, and otherwise keeping busier than I've ever been before.

Mr Tascona: You listed a number of boards and committees you currently serve on. As I take it, that's what you spend most of your time at.

Mr Schmidt: Significantly more time than I ever spent working anywhere.

Mr Tascona: You're also chair of the Leamington Police Services Board?

Mr Schmidt: Yes.

Mr Tascona: When did you become chair of that board?

Mr Schmidt: Just recently. I was chair of the board a number of years ago. I was chair of the old Mersea township, which merged with Leamington a number of years ago. After the last election, I became chair of the police services board.

Mr Tascona: Let me ask you this: What do you think about OHIP premiums?

Mr Schmidt: As far as?

Mr Tascona: Do you agree with that or disagree with it? Have you got any opinion on it?

Mr Schmidt: It's a system that's been around a long time. I think it's meant to have some—

Mr Tascona: It hasn't been around a long time. It just got reintroduced. In 1989 it got discontinued and it got reintroduced yesterday. Considering you're dealing with a health council, what is your opinion on health premiums?

Mr Schmidt: I think the system of premiums is meant so that everyone has some input, some real part of the system, and whether it's a minuscule part—I don't like the fact that it's not all publicly funded, but I think it brings some responsibility to people to know that they are paying a part of the cost and they know that somehow they are responsible. It's fairly normal as far as I understand, but it's not something I think I would have to deal with in this position.

Mr Tascona: Mr Yakabuski's got some questions.

Mr Yakabuski: You talked about where you felt some of the real problems were—I've got to confess I didn't keep track of them all—in your district, the Essex, Kent, Lambton district with regard to health care. What do you consider to be the most critical ones? With this appointment, what's your line of action? Do you feel the members of the past or current district health council have failed in articulating those concerns to the ministry, if those problems are, it seems to me, getting worse?

Mr Schmidt: Quite frankly, my personal opinion is that there hasn't been enough local input into what has been happening as far as this ministry is concerned. I think it's been too much of a cookie-cutter approach.

Mr Yakabuski: A what?

Mr Schmidt: A cookie-cutter approach. It hasn't solved the problems we specifically face in our area in a number of areas. We have some extremely high incidences of certain types of diseases. We have extremely low service levels in some areas. Obviously the cookie-cutter approach hasn't worked. I would hope we could get more away from that and have some way to address our needs a little more directly.

Mr Yakabuski: One of your focuses then is being more aggressive in dealing with getting those concerns to the ministry as part of the district health council's mandate?

Mr Schmidt: I know the needs are immense in our area. I'm not saying the ministry isn't aware of the needs. Unfortunately, for the last 15 or 20 years, all three parties have not been able to address those needs. Somehow we have to come together and make it less political, more goal-oriented and more directly looking at our particular needs, which are very high in our area.

Mr Yakabuski: Thank you for coming today. I appreciate that.

The Vice-Chair: Thank you very much.

ROBERT MURRAY

Review of intended appointment, selected by third party: Robert Murray, intended appointee as member, Social Benefits Tribunal.

The Vice-Chair: Our third interview is with Robert Murray, intended appointee as member of the Social Benefits Tribunal.

As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement.

Subsequent to that, there are questions from members of the committee. Welcome this morning. Each party will have 10 minutes allocated for questions. We'll go in rotation. Any time you take in your statement will be deducted from the time allotted to the government party. Please proceed.

Mr Robert Murray: Good morning to you all. Thank you for inviting me to appear before you today as a candidate for a position on the Social Benefits Tribunal. I thought it might be useful at this time to provide you with some additional background that I believe qualifies me for the position, and perhaps give you some thoughts I have on the tribunal itself, which may be useful in your deliberations.

It might be helpful if I give you an inexperienced but thumbnail description of the position, as I see it, and see if the position doesn't dovetail with my qualifications.

From my reading of the pertinent legislation and other materials related to the work of the tribunal, and from the thrust of the questions that were presented during my interview for the position, it struck me that the position demands a fair degree of written and oral skill, some analytical ability and the capacity to extract from written and oral testimony that which is relevant to the appeal process. This enables the tribunal to apply the appropriate remedy under the legislation in a fair, firm and equitable manner.

It also seemed to me that two old legal maxims apply to the work of the tribunal in the broadest context, as well as in the practical, administrative context.

The maxim that "Justice must not only be done, but must also be seen to be done," in my submission bears on the nature of the appeal process generally and on the manner in which it's conducted; that is, the process must be full and thorough and should be conducted in a manner that affords the appellant a sense of fairness and dignity.

It's fair to say also that the old saw, "Justice delayed is justice denied," generally applies to all levels of our legal system and to most administrative tribunals, including the Social Benefits Tribunal.

I'm certain that the appellants to the body are looking to it for a fair decision based on the merits of their appeal and are entitled to receive a decision from the tribunal with some dispatch. I view this as a very important function in the administration of the work of the tribunal.

What qualifications can I bring to the position? I suppose that, if nothing else, three years at law school taught me in a theoretical sense the skill and importance of extracting relevant information from a myriad of sources and how to apply that information to the laws of this country.

Practising law in this province for over a decade enabled me to take these same skills beyond the theoretical into the everyday hurly-burly of the judicial system, and allowed me to experience first-hand the workings of the administrative legal procedures in this province.

Although I've never appeared before the tribunal as counsel or appellant, I have had experience appearing before similar administrative bodies, including the OMB, the Criminal Injuries Compensation Board and so on.

My written skills that were developed at university have been greatly augmented both through the preparation and presentation of written legal briefs while in practice and in my present position as a writer.

My work presently focuses on texts and continuing education courses related to the financial services industry. Two courses I've recently written may bear on today's proceedings: Money Laundering in the Financial Services and The Protection of Personal Information Through Privacy Legislation are two examples of continuing education courses that were written following a careful reading of the relevant legislation and a distillation of the information contained therein into written form and content that is easily understood by non-legally trained personnel.

Finally, I would describe myself as disciplined in my work, and as a matter of course, work to meet deadlines on an ongoing basis in the publishing business.

Thank you for this opportunity and I invite your questions.

The Vice-Chair: Thank you very much for your comments. We'll begin with the Liberal caucus.

Mr Berardinetti: We'll waive our questions. Thank you.

The Vice-Chair: OK, the Conservative caucus. Your reference to the footnotes and the information: It's being distributed now. The clerk has indicated they'll ensure that information is before us in future.

Mr Tascona: I appreciate that. I guess what I'm referring to is if there are footnotes referred to in the reports, we should get those too. It would save us time researching it.

Thanks very much for coming before us today. I'm just looking at your background here. You were practising law until 1987; is that correct?

1100

Mr Murray: Actually, I think it was closer to 1989.

Mr Tascona: Your CV says 1975 to 1987. Your background seems to be in writing and you seem to be involved in a number of corporate-ended matters. Is that fair to say?

Mr Murray: Yes, and there's also something missing from that. I'm also on the board of Hope Place and have been for almost two and a half years now, which is a facility in Milton dedicated to the treatment of women who are seeking freedom from addiction. At Hope Place we've just assumed, at the request of the Ministry of Health, control of Halton Recovery House, which is a men's facility. So that's a commitment that I've had for almost two and a half years now, and it's a continuing one, which is well outside of the corporate sphere, if you like.

Mr Tascona: Why do you feel you're qualified for this tribunal, which is, for many people, a last resort with respect to disability payments? Why do you feel you're qualified?

Mr Murray: You're right, it is a last resort. They're not there to pick up their Wintario winnings. I think I'm

qualified, Mr Tascona, because of the background that I have in the practice of law and the experience I've had with tribunals. I've seen first-hand how they're conducted. I'm fairly familiar with the legislation, having reviewed it recently, and I'm also familiar with the attempts of counsels and appellants to hijack it from time to time. Obviously, the first concern of the people who appear there is to win their appeal; that's why they're there. But beyond that, it seems to me that they wish to be treated in a manner in which they feel that the merits of their appeal have been fully canvassed, and secondly, to deliver a decision quickly. There's nothing worse, both as counsel and as an appellant, regardless of the tribunal, of sitting and waiting, because often no decision is a decision itself.

Mr Tascona: Have you ever appeared in front of the tribunal?

Mr Murray: Not this one, no.

Mr Tascona: So how did you find out about the position?

Mr Murray: I found out about it through a relative, my brother, who indicated that the ministry had a renewed commitment to invigorate the tribunal and that there was a backlog and they were looking for people with the type of background that I had, and would I be interested. That's exactly how I found out about it.

Mr Tascona: Are you a member of any political party.

Mr Murray: I am not.

Mr Tascona: Have you made any financial contributions to a political party?

Mr Murray: No, I haven't. I do attend the symphony from time to time and I keep getting letters from the former Premier of the province, Mr Rae, asking for money for the symphony, but those are about the only contributions I've been asked for recently.

Mr Tascona: Is your brother a member of the Liberal Party?

Mr Murray: He is not.

Mr Yakabuski: Do you know how much this position pays?

Mr Murray: I think it's around $60,000 to $65,000, something in that range.

Mr Kormos: Are you still a member of the law society?

Mr Murray: No, I'm not. I haven't been since 1989.

Mr Kormos: What happened?

Mr Murray: I stopped practising law in 1989 and I haven't been an active member since. In fact, I'm suspended for not filing my annual reports as a non-practising member. So in effect, I'm a suspended member, if you like. I'm in purgatory.

Mr Kormos: You're suspended? You didn't resign?

Mr Murray: No, I haven't.

Mr Kormos: Why not?

Mr Murray: It just never occurred to me to do so, quite honestly.

Mr Kormos: You've gone through, since 1987, a succession of jobs, most of them—one, two, three jobs—lasting two years each. Far be it from me—two years, two years, two years, two years, very peripatetic. What's going on?

Mr Murray: In what sense?

Mr Kormos: As I say, you've been very peripatetic in terms of travelling about from job to job.

Mr Murray: Yes, that's probably true. They've all been very interesting, and I think I've done a good job while I've been there.

Mr Kormos: And you're self-employed now.

Mr Murray: No. I'm employed by Oliver Inc, or Oliver Publishing, which is a wing of it.

Mr Kormos: From 1998 to present. You're employed by them as a weekly-paid, monthly-paid—

Mr Murray: Yes, as a salaried employee. I write for them.

Mr Kormos: So you're on salary with that company.

Mr Murray: Yes.

Mr Kormos: What happens to that job when you assume the role on the tribunal?

Mr Murray: I will be leaving that job.

Mr Kormos: Have you ever applied for appointments before?

Mr Murray: No.

Mr Kormos: Why now? I appreciate your brother told you that the province was looking for folks.

Mr Murray: Actually, it's not a bad question at all. I come from a family of people who are committed to activities both politically and in the community. This is part of it. This, I suppose, dovetails in a sense with my commitment to Hope Place, which is a renewal of my commitment to working provincially at a number of levels. This is one which I understand is reflective of the new government's commitment to deal with the issues that come before the tribunal in a timely way. They need some help and I think I can help.

Mr Kormos: Are you familiar with the Kimberly Rogers inquest in Sudbury?

Mr Murray: Yes, vaguely.

Mr Kormos: And your response to the recommendations?

Mr Murray: You mean specifically with respect to welfare fraud and—

Mr Kormos: The jury recommendations, yes.

Mr Murray: I'm not familiar with all of them.

Mr Kormos: Fair enough.

Mr Murray: But I have a certain sympathy with them, of course.

Mr Kormos: What do you take out of it? For you, what's the thrust of it?

Mr Murray: I think it was a terribly unfortunate situation in the facts that arose, which in large measure hamstrung everybody and perhaps might have been handled better by the tribunal, by the people who were dealing with it.

Mr Kormos: Your role at Hope Place is what?

Mr Murray: I'm on the board.

Mr Kormos: You say one of the traditions that your family has maintained and that you're responding to is

your family's political involvement. What does that consist of?

Mr Murray: The last political campaign that I worked on was my father's mayoralty campaign in 1973, unsuccessful.

Mr Kormos: Where was that?

Mr Murray: In Mississauga.

Mr Kormos: OK, here in the Toronto area.

ODSP benefits were increased by 3%, or will be increased by 3%, as a result of yesterday's budget speech. What's your response to that?

Mr Murray: My response to that is basically that that's the work of the members who are sitting here.

Mr Kormos: I understand.

Mr Murray: It doesn't reflect on the work of the tribunal. The tribunal deals with that which is, not with that which can be changed, because you folks here do that, not the tribunal. They are to administer the law of the province of Ontario as established by this House. If they've changed it, then the tribunal will deal with those changes. If they're equitable, terrific.

Mr Kormos: And if they're not?

Mr Murray: Again, the tribunal's position is simply there to administer that which is, not to make public policy, with due respect to folks like you.

Mr Kormos: Well, folks like them, who happen to be the government's backbenchers. I'm asking your opinion. I suspect you'll be appointed; I suspect you'll get the committee's stamp of approval. What's your opinion of the 3%?

Mr Murray: Mr Kormos, I read some of the information with respect to levels of funding, and I accept and I'm aware that the hue and cry of these sorts of reports is tempered with the axe that interest groups have to grind, and I accept that some of the findings will be true. But beyond that, again, I would submit to you that it doesn't impact and should not impact on the tribunal. That's not what we're there for, or they are there for. This House will react to those reports, those submissions, those cries for additional funding as it sees fit; the tribunal will not.

Mr Kormos: Obviously it's been a long time since you practised law. You have no passion to return to the practice?

Mr Murray: No, not at all.

Mr Kormos: Why not?

Mr Murray: I had a good run for a little over 12 years, and that was enough of the whole thing. It was terrific and I enjoyed it. I had some high moments, but I've done it.

Mr Kormos: OK. Thank you very much.

The Vice-Chair: Thank you. You may step down, sir.

I understand that Murray Elston is on his way and should be here momentarily. I think he is scheduled here at 11:30. I would just ask members to stay close by so that if he arrives here in the next few minutes, we can—

Interjection: Just hang around the door?

The Vice-Chair: Well, you get the idea. We'll take a break until he arrives.

The committee recessed from 1112 to 1130.

The Vice-Chair: If we could call the meeting back to order. Thank you for being close by. Our fourth interview is with Murray Elston, intended appointee as chair of the Clean Water Legacy Trust board—

Mr Kormos: Chair, if I may, dealing with the fourth attendee, in reference to Mr Murray, who is the third person for whom an interview had commenced, I want to seek unanimous consent for the balance of the interview of Mr Murray to be completed at the next meeting of this committee, which will be two weeks hence.

The Vice-Chair: The information that I'm getting from the clerk, according to the standing orders, is that you must conclude it within seven days. So I don't think we'll be able to have unanimous consent to conclude the interview, if the intention is to conclude it in two weeks, given that next week is constituency week.

Mr Kormos: You see, the problem is, Chair, then that denies the right to exercise the adjournment, because it restricts it to seven days. I put to you that a logical interpretation of that—and maybe Mr Tascona would address this—would be seven days that are consistent with the House calendar.

As you know, the House doesn't sit next week. A committee without a special order from the House cannot sit. So clearly the seven days doesn't necessarily mean seven calendar days. It can mean 14 days, when the next seven-day period is in fact a period that's interrupted by—the House isn't sitting. There is no House, there is no committee next week—none, zip.

The Vice-Chair: I think the standing orders are clear. Unfortunately, it indicates seven calendar days. I'll give the clerk an opportunity to address that. Perhaps what we'll do is come back to that issue with that appointee.

Mr Kormos: Good enough.

The Vice-Chair: The concerns are so noted. We'll move on with Mr Elston. We'll have a decision before we adjourn for the day on that issue.

MURRAY ELSTON

Review of intended appointment, selected by official opposition party: Murray Elston, intended appointee as chair, Clean Water Legacy Trust board of directors.

The Vice-Chair: Our fourth interview is with Murray Elston, intended appointee as chair of the Clean Water Legacy Trust board of directors. Thank you, Mr Elston. You have an opportunity, should you wish to do so, to make an initial statement. Subsequent to that, there'll be questions from members of the committee. Each party will have 10 minutes allocated and we'll go in rotation. Any time you take in your statement will be deducted from the time allotted to the government party. Welcome and please proceed.

Mr Murray Elston: I thought I might be able to go long enough that I'd take it from everybody, but I'm quite happy just to say that I'm pleased to be here answering the questions that you have for me.

I think, firstly, the critical nature of the clean water mandate for all Ontario is not lost on any of the members

of the board. We've had a chance to get to know each other. The dedication of the individual members there is well known by me. The work of our current chair has certainly been exemplary. So I'm quite happy to move forward, Mr Chair, and answer questions around the work so far and about the work that we would like to undertake.

The Vice-Chair: Thank you very much. We'll begin with the Conservative caucus.

Mr Tascona: Thanks very much for attending here today, Mr Elston. Am I correct that you've been a member of the trust board since its inception?

Mr Elston: That's correct.

Mr Tascona: How did you become appointed to that?

Mr Elston: I was called by someone out of the then Premier's office to consider whether I would be interested. As most know, I was a resident of Walkerton, my family was a resident of Walkerton during the time when the crisis occurred. We were drinking the water and became ill along with everyone else. So I think people knew of our connection with the area and, obviously, my work from prior times, when I actually had some legislation looking at water and other things in Ontario, I think probably moved people to suggest that my name stand.

Mr Tascona: Are you still the president of the Canadian Nuclear Association?

Mr Elston: Yes. I started in January with that organization.

Mr Tascona: Is that a full-time position?

Mr Elston: Yes, it is. We're hoping of course to see developments in Ontario around the electricity market. That will keep us very busy, obviously. But right now, it's an interesting time for electricity, and the prospects for nuclear are very good.

Mr Tascona: The trust has been in place for about 10 months?

Mr Elston: I think June of last year, so we're approaching a year.

Mr Tascona: What has the trust been doing and what have been its accomplishments during that period of time in your opinion?

Mr Elston: I think the accomplishments are all about trying to get a handle on where the trust could go, getting some clarity with respect to how the trust is constructed and the role it is to have. I think one of the biggest problems for us as individual members has been trying to build a platform which is not going to be in some way a duplication of the effort by others, to be understanding of the areas in which we can add value to the work that's to be done in Ontario around drinking water, and then understanding—because most of us are not professionals in the engineering or scientific field—how a citizen board can best leverage the understanding and knowledge that is in Ontario and Canada to become part of a work plan that gives us even better results for the ongoing safety of water in the province.

Mr Tascona: What are some of your long-term goals at the moment?

Mr Elston: One is just to finally get ourselves clear as to the manner in which we work co-operatively and constructively with the Ministry of the Environment, the universities and others who are doing research in water.

We haven't yet officially got ourselves a location. We are in a position where we have developed an MOU with the ministry. We have developed a business plan that will describe the reach we will have in the first year. I think in the understanding of all of us on the board, it has been constructed so that it is one that will compel some aggressive work on our part to deliver some first stages of understanding of our research mandate. We also, by the way, have a second obligation, not only on the research, but we are to deal with the development of the centre of excellence as well, which is focused on location in Walkerton.

We've come a long way to understanding all of the obligations and also to being grounded a little bit in the protocols of working inside the government infrastructure. Obviously, not all people have had experience in government. I have, so I'm not surprised by the number of guidelines and policies, but we've spent some time doing that.

Mr Tascona: Are you still active in the Liberal Party?

Mr Elston: Not as active as I was, obviously, but yes, I would be described as a card-carrying Liberal.

Mr Tascona: Any more than card-carrying?

Mr Elston: I don't have much time to devote, actually. I'm on the road a fair bit. I was before and am now, although I have found time to go to fundraising dinners where particular members of the Conservative Party sing national anthems. So I spread myself around a fair bit.

Mr Tascona: What makes you feel you're qualified to be the chair?

Mr Elston: I would have to say, by the way, that the members of our group are high performers, and any one could be. I happen to have a focus—that attention to detail that helps me a little bit. I have chaired organizations before. I'm currently chair of a couple of others. I can organize and develop the focus to make sure that we've got some goals that we're going to try and reach, and then hopefully to drive our strategies to attain those. I have some consensus-building abilities as well. Hopefully, I'll be able to use those skills to the best advantage of the trust.

1140

Mr Tascona: How much time would you be spending in this particular position?

Mr Elston: That's a good question because I haven't been chair, and the obligation of the chair to this point in trying to get ourselves organized and on the ground, I think, has been sort of up and down, as the need for getting business plans and other things put together required more time. Right now, meeting-wise, I think we're about four times a year, but I can see in the early going, where we really try and put ourselves into flight, probably taking two or three days a month meeting-wise. But I'm not sure whether it's going to be any more than that.

Mr Tascona: You can balance that with your current position as full-time chair?

Mr Elston: That's an issue which, for busy people, is always going to be important, but the obligation to move this operation forward is one I take seriously, and I'll put the time into it.

Mr Yakabuski: Thank you very much for coming. I hope we see you at more of those fundraising events.

Obviously, the previous government appointed you to the board of directors, so I don't question your credentials in that regard. I'm curious, as the chair or president of the Canadian Nuclear Association—some people view nuclear as bad. I'm not one of them. I'm a proponent of nuclear, and certainly nuclear power, but some people might view that as being a bad thing; and then we all view clean water as being a good thing. I'm just curious as to whether or not you see yourself in any kind of a potential conflict among your own members there, or is it by design? Maybe the Canadian nuclear industry thought it would be a good idea to have you as their president, seeing as you're on this Clean Water Legacy Trust, because it's a good public relations move. I don't know that. But do you see the two positions as any potential conflict?

Mr Elston: No, I don't see the conflict. The interesting element about my role at the Canadian Nuclear Association is that I don't think it has been developed to the extent that some might see this as a good public relations ploy. I was here before I went there. The two are not incompatible, in my view. The issues around debates about how environmentally friendly nuclear energy is continue to be developed, but we don't have the emissions that other forms do. We have a high level of trained individuals who deal with a very important public service and, in that sense, there's an interesting parallel to providing clean drinking water in Ontario. Highly trained people are required, good science is required, good safety, good security, all elements which, in fact, it would seem to me, are quite complementary to the role I would play at the Clean Water Legacy Trust.

Mr Yakabuski: So nuclear power is clean. That's what we're saying here.

Mr Elston: Yes.

Mr Yakabuski: I agree with you. The member from the third party might have other questions. Anyway, I'll pass it on to him now.

Mr Kormos: You indeed work for the nuclear alliance, so I wouldn't expect you to say anything other. You'd be doing a disservice to your employer. Look, I'm pretty sure I disagree with Mr Elston about nuclear power, but he and I have some major disagreements about some other significant public policy issues.

Having said that, I note that my colleague, the New Democratic member of the committee, joined with the opposition in calling Mr Elston here. I, for the life of me, don't know why. The committee should be addressing the unknown entities, making inquiries about people whose backgrounds and experience are worthy of some questioning, not because they're necessarily inexperienced or have shady backgrounds.

Mr Elston is integrous, he's very competent, a good selection as chair. I'm not even sure it's that much a patronage appointment, but oh, so what if it is? But as I've indicated before, patronage joined with competence is such a delight. Well, it is. Come on, it's a scarce commodity. The incompetence has given patronage a bad name. I'm glad you dropped by but, for the life of me, I don't know what you're doing here.

Mr Elston: I was rather hoping, Mr Kormos, that since we served together last century in this House, perhaps this century you would have changed some of your views. I'll be back to talk to you about nuclear energy later.

Mr Kormos: Yes, I suspect you will.

Mr Yakabuski: Next century?

Mr Elston: No, this century.

Mr Kormos: The nice thing about me is I become more enlightened as time goes by, but I welcome our next conversation.

Mr Elston: Thanks, Peter.

The Vice-Chair: Questions, the Liberal caucus?

Mr Berardinetti: We waive our questions.

The Vice-Chair: That concludes our interviews for today. Thank you very much.

Mr Elston: Thank you very much, Mr Chair. I appreciate the time. It's always a pleasure to come back, although I find that every time I come back to this place, when I used to just walk in, now you've got to go through the clearances. I can't believe how well you're pampered here at the site, more so than we were in the last century, as I said.

But good luck to all of you. You're doing a very important public purpose, and I hope success follows all of you. Thanks.

The Vice-Chair: Thank you. Just to go back for a moment to the issue raised by Mr Kormos with respect to the interview with Robert Murray, the intended appointee as a member of the Social Benefits Tribunal, according to standing order 106(e)8, we need to make a decision on this today. We cannot extend this. It must be within seven calendar days. I'd ask if there's further consideration, you do have some time remaining in your question opportunities to Mr Murray. If you'd like to exercise that now or ask the committee to extend that time for further questions, they may be open to that.

Mr Kormos: No, thank you, Chair. The request would be for the committee to extend the time two weeks to the next moment of this committee sitting.

The Vice-Chair: I appreciate your request. Unfortunately, according to the standing orders, we won't be able to do that today.

We'll consider the first appointee, Ms Sutherland, as a member of the Council of the College of Physicians and Surgeons of Ontario. I need a member to move concurrence on that appointment.

Mr Berardinetti: I'll move concurrence.

The Vice-Chair: Mr Berardinetti moves concurrence.

Mr Tascona: I'll second it.

The Vice-Chair: Mr Tascona seconds the appointment. Any discussion, comments?

Mr Kormos: As I indicated when Ms Sutherland was sitting at the committee table, hers is a distinctly competent appointment and I have no hesitation in supporting it.

The Vice-Chair: Any further comments?

Mr Yakabuski: what was the outcome of the motion—I had to leave for a second—about revisiting in two weeks? I missed that.

The Vice-Chair: We've dealt with that already. Thank you.

Mr Yakabuski: Can you tell me what it was?

The Vice-Chair: We won't be revisiting it, based on the standing order.

Mr Yakabuski: It leaves you with one choice. In one of these meetings that's on a week prior to a non-sitting week, it leaves you with one choice. It leaves you with either yes or no, which really subverts the process, in my opinion, because the normal course of events would be to allow us to have that week to recall, and we lose that opportunity when you sit at the end of the week prior to a non-sitting week. I would say, standing orders notwithstanding, that goes against the spirit of the standing order. That's my own opinion.

The Vice-Chair: Thank you for your comments, Mr Yakabuski.

In the matter of the appointment of Ms Sutherland to the Council of the College of Physicians and Surgeons, we have a mover and a seconder. Any other discussion? All in favour? Carried.

We'll now consider the intended appointment of Mr Schmidt as a member of the Essex, Kent and Lambton District Health Council. A member to move concurrence?

Mr Mike Colle (Eglinton-Lawrence): So moved.

The Vice-Chair: Concurrence moved by Mr Colle. Seconder?

Mr Tascona: I'll second it.

The Vice-Chair: Any comments from the members?

Mr Kormos: As I've indicated, I am but a visitor to the committee, substituting for the regular member. In my view, the committee should be supporting the nominees, in this instance, of a council which has the obligation and the responsibility to nominate a representative to the district health council, barring there being anything outrageous that would fly in the face of it. For that reason, we're going to be supporting Mr Schmidt in this appointment.

1150

The Vice-Chair: Thank you. Further comments? Seeing none, all in favour? Carried.

We'll now consider the intended appointment of Mr Murray as a member of the Social Benefits Tribunal.

Mr Kormos: On a point of order, Chair: I'm going to be seeking unanimous consent one more time on the basis that by unanimous consent we can do anything. We can turn Monday into Tuesday; we can turn 6 o'clock into 7 o'clock. If the standing orders say that you're entitled to speak to a motion for 20 minutes, we can, by unanimous consent, extend that to 30 minutes or 200 minutes. We can, by unanimous consent, permit people to speak twice, even though the parliamentary rules and procedures would not permit us to entertain that without unanimous consent.

I appreciate the careful attention of the clerk and her colleagues to this matter, but I am putting to you that by unanimous consent, yes, we can circumvent the standing orders. We do it every day in the chamber. We hear motions without notice by unanimous consent. I put to you that when there's a time frame established, we can circumvent the time frame by unanimous consent.

Therefore, I am seeking—and I refer to the comments by Mr Yakabuski just a few minutes ago, understand. I would ask you to consider them as well, Chair. So once again, I am seeking unanimous consent for the vote, should there be a motion, to be deferred until the next sitting of this committee, notwithstanding the standing orders.

Ms Kathleen O. Wynne (Don Valley West): Mr Chair, I am also not on this committee; I'm subbing in for a member. I would just like to have, before his desk falls apart—I'm just wondering if we could have an explanation. I'm just not following why Mr Kormos is asking for this. Maybe it's just that I don't understand the regular proceeding of the committee. Could I have an explanation?

Mr Kormos: Chair, with your indulgence, perhaps a five-minute recess would be very productive. We're ahead of time.

Ms Wynne: I would like to understand what is being asked; that's all.

The Vice-Chair: I think Mr Kormos is asking—well, he's asking for a five-minute recess, but he's asking for the opportunity to extend the interview process, and according to the standing orders, we're not able to do that. I appreciate your comments that in the House, with unanimous consent, we can do—

Mr Kormos: Anything.

The Vice-Chair: —pretty much anything. But that doesn't apply in committees. We would need that standing order prior from the House to be able to do that in committee. The standing orders take precedence here within the committee, so we're not able to do that within the committee.

Mr Kormos: Thank you very much, Chair. I beg your indulgence for a five-minute recess.

Mr Mario G. Racco (Thornhill): Mr Chairman, I have unfortunately scheduled a meeting this morning—a meeting now—a meeting tonight, a meeting late tonight and a meeting tomorrow morning, and I'm running late because of an engagement that we all have. I would suggest to you that we deal with item number 4 and, if there's any question, item number 3. If the Chair feels that we should do something, that's fine, but I think you've made it clear that the law says we cannot defer it.

So could we deal with item number 4 now and continue this discussion after?

Mr Tascona: This committee started at 10. Is there an ending point by the rules?

The Vice-Chair: Normally, we end by noon.

Mr Tascona: Ask the clerk. I want to know.

The Vice-Chair: We've heard comments from just about everyone here now and I think I'm going to rule that the—

Mr Colle: Let's call the question.

The Vice-Chair: Mr Colle has moved concurrence to appoint Mr Murray.

Mr Kormos: I presume you would have a seconder, if there is one?

The Vice-Chair: Apparently we don't need a seconder, but Mr Berardinetti—

Mr Berardinetti: I'll second it.

The Vice-Chair: Further comments?

Mr Kormos: Yes, I have.

The Vice-Chair: Go ahead. On the motion?

Mr Kormos: Yes. I sat through this morning's proceedings. I read the CV filed by Mr Murray. I heard his submission to the committee. I heard his responses to questions. This is a major appointment. This tribunal performs a quasi-judicial role that can have significant impact on people's lives, and I'll reference the Kimberly Rogers inquiry as an illustration of the impact.

There is, quite frankly, a paucity of information about Mr Murray and his background. This is not a position where you're functioning or performing as part of a group or collective, such that one person's perspective is tempered by other people, for instance, working on a committee, working on a board, working on a panel. The tribunal officer in these instances sits, making determinations that, as I say, have an incredible impact. They are rarely appealed, for a couple of reasons: one, because the nature of an appeal from the tribunal is restricted, as people who know administrative law will understand, and secondly, because most of the litigants couldn't afford an appeal even if they had reasonable grounds for one.

There is nothing about Mr Murray that speaks overtly negatively, but I'm concerned about a candidate to such a position who comes before this committee with so little real information. I appreciate we've got the CV: a litany of jobs, two and three years at a time; a decade plus two years in the practice of law; a suspension from the law society based on non-payment of fees, he tells us. We have before us a candidate for a position who was unfamiliar with the Kimberly Rogers inquest. That's not a sin, in and of itself, but it seems to me that a person who had a passion about the issues would have familiarized himself or herself with Kimberly Rogers. It's certainly been profiled in the news media.

Then I was disappointed by the stock response to the question about the ODSP benefits and the declaration yesterday that there is going to be a 3% increase in ODSP benefits. All of a sudden, Mr Murray does the old, "Oh, well, I don't create the law. It's up to you to create the law. I just enforce it."

He's right in terms of his role as a tribunal officer, but when you're coming before the committee, one of the things the committee does is talk to people about their bent, their inclination, their background, their personal experience, their personal views. I don't think it's satisfactory that people who come here—I've seen it happen so many times—say, "Oh, no, I can't answer that because that's up to the Legislature." You see, you're not appointed yet. I appreciate that once you're appointed and in that quasi-judicial role, you shouldn't be venturing opinions like that. That's not always necessarily the case, but by and large, you shouldn't be, because you have to enforce the law. But surely, before appointment, one of the functions of this committee is to ascertain where people are coming from, what their views are.

Quite frankly, in the case of Mr Schmidt, it's of less concern to the committee because he has the endorsement of his council. It's also, at the same time, interesting to know what direction he's coming from—fair enough.

In the case of Ms Sutherland, you will recall my question to her about the MRC. Her response, as I suspect most of you will know, was not consistent with what I've been advocating, but that's fair enough. I don't expect her to have the same view I have, but I appreciate her candour in expressing the view, especially when she may well have anticipated that her response to my question was going to conflict with where I stand on the issue. I regard that. I respect that. That instils confidence in me about her ability to do her job.

Again, I've got nothing ill to say about Mr Murray, but I'm very concerned. You saw my feckless and unsuccessful efforts to have the matter adjourned or deferred until the next committee hearing. Because you're not meeting next week, it can't be deferred. But it seems to me that the government members should be interested in a little bit more than what's been made available to you in a pretty sparse CV.

I've got to tell you, what we're put into here at this point in terms of having to vote, I've got to vote against Mr Murray. I'm not going to support Mr Murray's appointment. That's not out of any ill will, but it's out of concern about the gaps, if you will, in an application for a job that has incredible repercussions for people and people's lives, repercussions it is difficult for them to respond to because of the difficulties in appealing a tribunal decision. It's obviously patently clear now why I sought the adjournment.

The Vice-Chair: Can you wrap up your comments?

Mr Kormos: No, I've got 20 minutes. The Chair can decline to see the clock, and I would ask that the Chair do that.

I respectfully put to you that my efforts to adjourn the matter for two weeks were to perhaps avoid articulating the observations I made, but I had no choice. So I will not be supporting Mr Murray's appointment. I will be asking for a recorded vote and I will be voting against it.

Mr Tascona: I'd like to comment. Based on the questioning, certainly the field of expertise of the person who has been interviewed seems to fall outside what you would be looking for in that particular tribunal. You would look for a person who has been actively involved in that particular field. That's the disconnect between the field of expertise and what the tribunal stands for, looking for someone who would be an advocate for the disabled as opposed to what would appear to be more of a corporate resumé. Be that as it may, it's a qualifications issue, and I think that's what Mr Kormos was talking about too. That's why we're concerned about that and will not be supporting it.

Mr Berardinetti: I ask that we vote.

The Vice-Chair: Thank you. A recorded vote.

Ayes

Berardinetti, Colle, Racco, Wynne.

Nays

Kormos, Tascona, Yakabuski.

Mr Racco: I move item number 4.

The Vice-Chair: Thank you, Mr Racco.

We will now consider the intended appointment of Mr Elston as chair of the Clean Water Legacy Trust board of directors. Mr Racco moves concurrence. Comments?

Mr Kormos: What is Mr Elston doing here? A transparent political career, as partisan as they come. If it's a patronage appointment, I say God bless, because it's a patronage appointment accompanied by competence. But far be it from me to tell the committee what to do. I'm not a member, but the committee should be looking for the dogs who are pushed through rather than bringing Mr Elston here. Did you come here from home or from Ottawa?

Mr Elston: From Ottawa.

Mr Kormos: There you go, unbelievable, rot your socks. I hope he applies for mileage.

The Vice-Chair: Further comments? All those in favour? Carried.

Further discussion? The committee is adjourned.

The committee adjourned at 1205.

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Wednesday 2 June 2004

Journal des débats (Hansard)

Mercredi 2 juin 2004

Standing committee on government agencies

Intended appointments

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Nominations prévues



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STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 2 June 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 2 juin 2004

The committee met at 1005 in room 151.

The Chair (Mrs Elizabeth Witmer): I'd like to call this meeting to order and begin by extending a warm Ontario welcome to the delegation from Zambia. We're very pleased that you're here today and hope that you enjoy the opportunity you have to learn more about the work we do. We wish you well in your endeavours. Welcome.

SUBCOMMITTEE REPORTS

The Chair: Our first order of business is the report of the subcommittee on committee business dated Thursday, May 20, 2004. Is there someone who's prepared to move adoption?

Mr Ernie Parsons (Prince Edward-Hastings): Yes. I move concurrence. Mr Berardinetti was distracting me and he apologizes for that.

The Chair: Is there any discussion? If not, all in favour? Opposed? The motion is carried.

Our next order of business is the report of the subcommittee on committee business dated Thursday, May 27, 2004.

Mr Parsons: I move concurrence.

The Chair: Moved by Mr Parsons. Any discussion? If not, all in favour? Opposed? The motion is carried.

We have a couple of other issues here that we need to attend to regarding the extension of deadlines.

Pursuant to standing order 106(e)11, unanimous consent is required by the committee to extend the 30-day deadline for consideration for the following intended appointees: Robert Shirley, intended appointee to the town of Mono Police Services Board, and Monica Donahue and Catherine Anne Novick, intended appointees to the North York Community Care Access Centre board of directors. They are scheduled to attend committee meetings on June 9 and June 16. Do we have unanimous consent to—

Mr Gilles Bisson (Timmins-James Bay): What is the issue? I'm not fully aware of why we need to extend—they're not available to attend earlier; is that what it is?

The Chair: I believe that is why. They're not able to come, so we need unanimous consent to extend the deadline from June 6 to July 6.

Mr Bisson: Why would they not be able to attend? Are there reasons? This is a standing committee. I don't understand, if you're getting an appointment, why you can't attend your own hearing.

Clerk of the Committee (Anne Stokes): It's partly to do with scheduling them within the numbers of people we have.

Mr Bisson: There are too many people?

Clerk of the Committee: There are too many people, and if somebody is not available one week, we do try to accommodate them in that respect.

Mr Bisson: So it's an issue of capacity, not an issue of the people not wanting to show up on those particular days.

Clerk of the Committee: No; it's not that issue.

Mr Bisson: So it's an issue of capacity?

Clerk of the Committee: Yes.

The Chair: We're actually developing quite a backlog, which is going to require summer sitting.

Do we have unanimous consent to extend this deadline from June 6 to July 6, 2004? All those in favour? Opposed?

Mr Bisson: July 6; we'll need permission from the House to sit. That hasn't been brought to the House leaders. I'm at the House leaders' meetings. So what do you do there?

Clerk of the Committee: Those people are already scheduled in for meetings on June 9 and June 16, so we're just extending the deadline to accommodate that.

Mr Bisson: OK, you're not talking about the committee sitting July 6.

Clerk of the Committee: No, we just have made it a 30-day deadline for administrative purposes.

The Chair: We have unanimous support.

I'd now like to deal with Gerald Stephenson, intended appointee to the Pesticides Advisory Committee, who is unable to attend a committee meeting until after July 3, 2004. In this instance, he is not able to be here. Do we have unanimous consent to extend this deadline from June 13 to July 13, 2004?

Mr Bisson: Again the question I have is: Why? What's the reason? Is there a legitimate reason or what's going on?

Clerk of the Committee: Mr Stephenson is attending a conference in South Africa.

Mr Bisson: Well, he can send somebody else, I'm sure.

The Chair: I would ask if we have unanimous consent.

Mr Bisson: Who raised that particular appointment for review? Is that one of the Tories? It's up to them.

1010

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): The clerk can find out.

The Chair: Gerald Stephenson, Pesticides Advisory Committee.

Mr Bisson: That might have been one of my people.

Clerk of the Committee: It was a selection by the NDP.

Mr Bisson: Oh, then we're OK with it. It wasn't me. It was another member who raised it.

The Chair: Do we have unanimous consent?

Mr Bisson: Yes.

The Chair: All right. We've dealt with that.

We're now going to move into our first—

Mr Tascona: I'm just going to raise two points. I want to thank the clerk for writing the letter to Debra Roberts, Director of the Public Appointments Secretariat. The letter was dated May 21, arising out of our meeting of May 19. I'm just wondering whether you have a response to your letter.

Clerk of the Committee: No, we've not received a response yet. I spoke with the office this morning and I'm expecting a response shortly.

Mr Tascona: Thank you. Just one other thing, Madam Chair: Based on what we've gone through, is it possible for the clerk to put together, from this point on, a summary of who has been called to be reviewed so we know from which party and the numbers, so it can be assessed? In case this extends into July, we can have a review of it and take another look to make sure we have everyone covered. I know there are some extensions as to who could be available and when. We could have a look at it if we have it available for the next meeting so we'll have a good idea. I think we're meeting next week.

The Chair: Yes. We'll make sure, then, that we have the comprehensive list of all the individuals who have been identified to appear before this committee. Then we'll know how many we're going to be able to schedule in June and how many we're going to have to carry forward into the summer recess.

INTENDED APPOINTMENTS

DENIS PERRAULT

Review of intended appointment, selected by official opposition party: Denis Perrault, intended appointee as member, Agriculture, Food and Rural Affairs Appeal Tribunal/Board of Negotiation.

The Chair: Moving now to the first interview with Denis Perrault, the intended appointee as a member of the Agriculture, Food and Rural Affairs Appeal Tribunal/Board of Negotiation. I would invite you to come forward. As you may be aware, you have an opportunity, if you want, to make an initial statement. After that, there will be questions from the members of the committee. Did you have a statement?

Mr Denis Perrault: Yes, a short one. Good morning. It's a pleasure, and I think an honour, to be here in front of you, asking to be appointed to a board. I think it's the first time in my life that I've attended a job interview. I've been farming all my life in the Navan area. I have sat on the South Nation conservation authority for many years. I'm still chair of the South Nation Conservation Clean Water Committee. I sit on the dean's board council, an international council at the University of Guelph. I chair the advisory council at Alfred College. I'm also involved in education. I sit on the board of directors of the Eastern Ontario Training Board. I believe I have some experience in the agricultural field. I'm a dairy farmer. I'm here to answer questions.

The Chair: Thank you very much, Mr Perrault. Last time we started the questioning with the Progressive Conservative caucus. We'll start today with the New Democratic Party. Each party has 10 minutes for questions. We'll go in rotation. I would ask the NDP to begin.

Mr Bisson: I'm going to support this particular appointment. Do you presently own a farm?

Mr Perrault: Yes.

Mr Bisson: I wasn't too clear about that when I went through it. I should have been listening, but I was talking to my colleague; I'm sorry. I notice here that you are the president of the grape growers' association and you've been that for the last couple of years.

Mr Perrault: Yes, since 1998.

Mr Bisson: It's a great organization.

Mr Perrault: In eastern Ontario, though.

Mr Bisson: Basically you've sat on all kinds of boards and commissions. You've done great work. I'm sure you will serve us well. That's all I'm going to ask you.

Mr Perrault: Thank you.

Mr Bisson: How's that?

Mr Perrault: That's great. Thank you.

The Chair: Does the government have any questions?

Mr Parsons: No way. We've read the qualifications and realized he's more qualified than we are.

Mr Bisson: Oh God, on second thought, we're agreeing. Can I take it back?

The Chair: I would now ask the Progressive Conservative caucus, which has 10 minutes.

Mr Tascona: Thank you for coming here this morning, Mr Perrault.

Mr Perrault: My pleasure.

Mr Tascona: Are you a member of the Liberal Party?

Mr Perrault: Yes, I am.

Mr Tascona: The Ontario Liberal Party?

Mr Perrault: Ontario Liberal Party.

Mr Tascona: Have you been a financial supporter of the Ontario Liberal Party?

Mr Perrault: Yes, I have.

Mr Tascona: Have you ever made a financial donation to the Premier's riding?

Mr Perrault: Not the Premier's riding, but I did chair Jean-Marc Lalonde's riding association for about two years. I've been off for about two years now.

Mr Tascona: Are you sure you didn't make a contribution in 1999 to the Premier's riding?

Mr Perrault: Maybe I did.

Mr Tascona: OK.

Mr Perrault: Well, maybe. Sorry, I forgot.

Mr Tascona: How did you hear about this—

Mr Perrault: Sorry, I did attend a supper. That's probably where the contribution shows up. There was a supper in Ottawa in the Premier's riding. Yes. Sorry.

Mr Tascona: How did you hear about this appointment?

Mr Perrault: I went on the Web site and applied. There were two committees that interested me: Agricorp, which I've known about for many years, and this tribunal. I didn't realize that the tribunals were all amalgamated since 1999.

Mr Tascona: What Web site would that be?

Mr Perrault: The appointments Web site. I don't know. My wife's the one who clicked. I'm sorry, I don't—I'm illiterate on the computer, but I went through the Web site and applied, sent my CV back in, I believe, November.

Mr Tascona: Have you spoken to anyone from the government about this?

Mr Perrault: Yes, I have.

Mr Tascona: Who's that?

Mr Perrault: Mr Phil McNeely and Mr Jean-Marc Lalonde.

Mr Tascona: Who's Phil McNeely?

Mr Perrault: Who is Phil McNeely?

Mr Tascona: Yes.

Laughter.

Mr Tascona: It's all right. For the record.

Mr Perrault: He's a good friend. He's representing Ottawa-Orléans.

Mr Tascona: MPP for Ottawa-Orléans?

Mr Perrault: Yes, sorry. MPP for Ottawa-Orléans.

Mr Tascona: Jean-Marc Lalonde is MPP for where?

Mr Perrault: Yes. For Glengarry-Prescott-Russell.

Mr Tascona: So you've spoken to two MPPs about this?

Mr Perrault: That's right.

Mr Tascona: I know that several members of the current government were supporters of the Agricultural Employees Protection Act. You may be designated as one of the tribunal members able to hear appeals under this act. You're an active farmer from the farming community. Do you have any thoughts about the Agricultural Employees Protection Act?

Mr Perrault: I believe they do need protection. One of the key successes in my business is employees. I see that they don't have a right to form an association. I'm not sure. I just read a bit of the—

Mr Tascona: The act protects the rights of agricultural employees to form, join, participate in, and make representations to their employers through an employees' association. That's what the act is. Do you support that?

Mr Perrault: I do.

Mr Tascona: Thank you.

The Chair: Any further questions?

Ms Laurie Scott (Haliburton-Victoria-Brock): Thank you for coming today. That was great. So you are presently the president of the grape growers' association?

Mr Perrault: Yes, I am.

Ms Scott: Will you be stepping down from that if you receive this appointment?

Mr Perrault: I was thinking of stepping down. Do I have to? I'm not sure.

Ms Scott: I didn't know if you were planning on stepping down or if you saw any possible conflicts if you stayed on as president.

Mr Perrault: I don't see any conflicts, but I've been there five years. I'm planning to step down.

Ms Scott: OK. This tribunal hears appeals of licensing decisions under a number of statutes. Do you have any adjudicative experience? I didn't pick too much up from your resumé.

Mr Perrault: No, I haven't. Only appeals on the clean water committee: Farmers whom we give grants to or refuse grants, come in and do appeal. That's the only experience I have.

Ms Scott: OK. That's fine. Thank you.

The Chair: Thank you very much, Mr Perrault. That concludes the—

Mr Perrault: Oh, thank you very much.

The Chair: You may step down.

1020

BARBARA SULLIVAN

Review of intended appointment, selected by official opposition: Barbara Sullivan, intended appointee as chair, Health Professions Regulatory Advisory Council.

The Chair: Our second interview is with Barbara Sullivan, the intended appointee as chair of the Health Professions Regulatory Advisory Council. As you know, Ms Sullivan, you also have an opportunity to make an initial statement. Following that, we'll have 10 minutes for questions from each party. Any time you take in your statement will be deducted from the time allotted to the government party. Welcome, Ms Sullivan.

Ms Barbara Sullivan: Thank you, Madam Chair, I do indeed have a statement. I want to start out by saying that I appreciate being with you today to discuss my prospective appointment as chair of HPRAC. My statement is longer than that of the previous intervener and I hope you'll bear with me.

The Regulated Health Professions Act, the legislation establishing HPRAC, passed the House in 1991, while I was a member of the Legislature, and came into effect at the end of 1993. I participated in the debates and some of the committee work regarding the regulated health professions acts at that time.

The work to bring the legislation to fruition took place during the terms of three governments over close to 10

years and with support from all three political parties. It was a monumental task. The vision and the actuality of the RHPA was considered groundbreaking.

The RHPA has several objectives: to protect the public from harm; to promote high-quality care; to make regulated health professions accountable to the public; to give patients access to health care professions of their choice; to achieve regulatory equality by making all regulated health professions adhere to the same purposes and public interest principles; and to treat individual patients and health professionals in an equitable manner.

The RHPA, the health profession statutes and the regulations under both are necessarily complex. They provide for the qualifications of health professionals; the standards and quality of practice and continuous improvement required by professionals; the values to be implemented in providing service to patients; and the policies for the governance of individual professions.

The governance requirements are themselves exacting. Colleges are required not only to set standards but to ensure, through their educational and disciplinary vehicles, that those standards are adhered to. They must also ensure that "best practice" is the word of the day in each health discipline.

I'd like to outline, in general, my view of the work of HPRAC, which is charged with the responsibility of making recommendations to the minister with respect to the RHPA and the associated regulated health professions statutes.

First, it's incumbent on HPRAC to present recommendations to the minister that will ensure the accountability, high quality, and flexibility that will ensure that the RHPA continues as living legislation. Those recommendations must offer opportunities for the greatest coordination and collaboration of professional services, for efficiency in service provision, and the most efficacious care delivery. They must also ensure that the interest of the public is assured—that the system is accountable.

I know that there is a significant amount of work to be done by HPRAC in the next period of time, following on some extremely positive work that has taken place to date. There are also a number of completed projects that have been referred to the minister and have been under consideration for some time. It may well be useful to review and reconfirm some of the recommendations to ensure that they are still timely and relevant. HPRAC is currently reviewing its own policy approaches to recommendations regarding regulation of health professions and changing scopes of practice. I believe that that work should be speedily concluded so that it can readily be put into use.

Given rapid change in professional practice patterns, health technologies, use of health information systems, and educational initiatives, there ought to be a thorough review and recommendations put forward by HPRAC for changes to or expansion of scopes of practice for those health professions which are currently regulated. Increased emphasis on improvements in quality assurance and patient relations programs will certainly require consideration.

The recent report on adverse events by Dr Ross Baker focused attention on continuous quality improvement and patient safety initiatives. There should be an assurance that the disciplinary processes of the colleges are flexible enough to accommodate a blame-free approach that can identify those human and system errors that put patients at risk and ensure that corrections are made that will eliminate the chance for error. Evidence from this and other jurisdictions show that that approach works. Having said that, it's not a simple matter to transfer an idea into a procedural code and disciplinary program. However, it's an area that I believe merits attention.

In a similar vein, HPRAC should be examining patient relations requirements to put forward recommendations that will provide a common understanding of obligations of professionals to patients. Such obligations could include clear communication and information exchange about care being provided; the guarantee that informed consent will be sought; providing training so that the patient knows how to take part in his or her own care and in planning follow-up care; and that, in all circumstances, the patient is treated with dignity and respect. There may be other elements of patient relations programs that should be enunciated more clearly, and this is another area where, in my view, attention is merited.

In my experience, people generally do not understand the roles of the colleges, their activities and their processes. There may be merit in examining my own observation and for HPRAC to make recommendations in this regard.

At the time of the original legislation, there were several health disciplines which were determined not to be ready to move into self-governance at that time. Some of those organizations have enhanced their quality, discipline and education programs and have built strong practice guidelines and ethics codes, and are now ready to be considered for certification under the Regulated Health Professions Act. Indeed, there are recommendations under consideration by the minister now. It will continue to be the work of HPRAC to thoroughly examine the merits of such applications and to make recommendations accordingly.

I should tell you that I'm not setting out an agenda here. That will be done by the HPRAC council in full after full discussion. What I'm attempting to do is to illustrate the wide compass of issues that could be considered by HPRAC in making its recommendations to the minister.

I think we're generally well served by our health professionals, but there is a capacity and a willingness by both practitioners and those to whom they provide care to ensure that we are served better and that there is continuous improvement in health care service provision.

I think the core of this job is to reflect the public interest and to make recommendations that will enable professionals to attain the highest standards in meeting public interest requirements and to ensure fairness, both

for professionals and for those to whom they provide care. I'll do my best to encourage that to happen. Thank you.

The Chair: Thank you very much, Ms Sullivan. Any further questions from the government?

Ms Monique M. Smith (Nipissing): Thank you, Ms Sullivan. Nice to see you again. I know that you've been before another committee that I was on in a health-related area, so I was just wondering if you could briefly describe for us some of your experience on the health side in your other life, to kind of give us a sense of your credentials with respect to this appointment.

Ms Sullivan: To begin with, I suppose from a formal point of view, one of my major roles was as health critic in the Legislature. You will know, for those who do hold the critics' responsibilities, that that's a job that in many ways mirrors the work of a minister, in that you have to become familiar with issues that are brought forward on a daily basis, if not an hourly basis, by stakeholders who have an interest in particular areas, and examine those against public policy alternatives to put forward a position which can best serve the public interest.

Additionally, I have served on the board of a facility for duly and multiply diagnosed developmentally disabled adults, which has a significant health care component. I'm also a trustee of Hamilton Health Sciences, which is one of Canada's major teaching hospitals.

The Chair: Further questions? We only have one minute left.

Mr Michael Gravelle (Thunder Bay-Superior North): Good morning, Ms Sullivan. Welcome. I just wanted to make a point. I've sat on the government agencies committee on the other side of the House. One of the greatest frustrations we've had in the past is that people who come forward are frequently not willing or don't feel they want to tell us what their goals and thoughts are in terms of the position they're about to take. I just want to say that I think it is very helpful to have you make a presentation such as you did in terms of some of the issues that you think are before HPRAC and some of the things that may come forward. I think all members appreciate that. As I say, frequently people tell us that they haven't given much thought to it. Obviously you've given a great deal of thought to it and clearly you are well qualified, so I wanted to thank you for your presentation.

1030

The Chair: I now turn to the Progressive Conservative caucus.

Mr Tascona: Welcome to the committee.

Ms Sullivan: Thank you.

Mr Tascona: You were a Liberal MPP for Halton Centre from 1987 to 1995. Is that correct?

Ms Sullivan: That's correct.

Mr Tascona: Are you still a member of the Ontario Liberal Party?

Ms Sullivan: Yes, I am, and I've contributed to the Ontario Liberal Party as well, to predict your next question.

Mr Tascona: Thank you. How did you hear about this appointment?

Ms Sullivan: You may or may not know that in addition to having served in the Legislature for two terms, I offered myself for a third term and was not successful. In the most recent election I also stood as a candidate in what I should say was the most difficult riding in the province and gave a good scare to the Tory opponent, the Tory incumbent. Nonetheless—

Mr Tascona: So you heard about this position from Ted Chudleigh?

Ms Sullivan: I certainly did not. But subsequent to that election, it was very clear that I wanted to continue to offer myself for public service. I know the process, so I submitted my resumé to the Public Appointments Secretariat and latterly received a call from the minister's office of the Ministry of Health and Long-Term Care and was asked if I would consider this position. I had to think about the responsibilities of the council over the next period of time and determine what other activities I would have to cease and what other activities I could continue in order to do this job.

Mr Tascona: I understand that.

Ms Sullivan: Ultimately, I allowed my name to stand.

Mr Tascona: When did you make your application?

Ms Sullivan: Probably November.

Mr Tascona: Did you speak to anyone in the government about your application?

Ms Sullivan: I have spoken to the executive assistant to the Minister of Health and to a special assistant to the Minister of Health and to folks in the Public Appointments Secretariat.

Mr Tascona: What professions do you believe should be considered for inclusion as regulated health professions?

Ms Sullivan: Certainly all of the ones that are regulated now. I think that are also two other professions whose applications have gone forward from HPRAC to the minister, and there may well be others that would come forward.

Mr Tascona: Which two are those?

Ms Sullivan: Naturopaths and Chinese medicine.

Mr Tascona: Do you support those?

Ms Sullivan: I think that my prejudice is that it's in the public interest for more health professions to be regulated than not regulated. Another organization, for instance, which may well come forward in the near future would be kinesiology. It's not a matter of whether I agree; it's a matter of whether the qualifications are met for self-governance and the public interest can best be served that way.

Mr Tascona: With respect to naturopathy and traditional Chinese medicine and acupuncture, are you in favour of those?

Ms Sullivan: Yes.

Mr Tascona: Kinesiology is another one you think should be considered?

Ms Sullivan: I didn't say—I think it will be considered. I think that that particular profession is virtually ready to move into the application stream.

Mr Tascona: Why do you say that?

Ms Sullivan: I guess it's general knowledge from my own work and experience.

Mr Tascona: No, why do you think they should be considered?

Ms Sullivan: I think they will make application for consideration.

Mr Tascona: But what are the merits of their inclusion?

Ms Sullivan: When an application comes forward, the body making the application has to satisfy—

Mr Tascona: I understand the process. Let me put the question to you another way. Kinesiology: Why should it be included as a regulated profession?

Ms Sullivan: I'm not saying it should be included, I'm suggesting that it ought to be reviewed and there ought to be an assurance that it meets all the tests of the regulations and of the statute, so that a recommendation could be made to the minister. Those things include such aspects as education, patient relations work, quality assurance programs, a clear outline of scopes of practice and disciplinary functions, codes of ethics and practice patterns that have been gauged by the organization itself and put forward for scrutiny by HPRAC and subsequently by the minister.

Mr Tascona: I have no further questions.

Ms Scott: Thank you for appearing here today. You have a very impressive background, so that's great.

In my other life I was also a nurse. I worked in the States for a short period of time and was familiar with physicians' assistants. There's just recently been the discussion paper out tackling the doctor shortage. It makes reference to physicians' assistants. One of them is the creation of a category for the registration of the physicians' assistants. Do you believe that this will eventually be regulated and do you agree that physicians' assistants have a role?

Ms Sullivan: I wouldn't be surprised to see a number of areas where scopes can be expanded to other professions, as happened, for instance, with midwives and nurse practitioners. I think that's a logical way to move forward. You've spoken of physicians' assistants; there may also be nurse anaesthetists, who operate in other jurisdictions as well. But those things would have to come before HPRAC before a recommendation could be made.

Ms Scott: I know you want to wait and take a look at them, but are you familiar with them? Do you think they have a role, though?

Ms Sullivan: Yes.

Ms Scott: OK. Also dental hygienists: I've met with quite a few since I've been elected, and they certainly were looking for more scopes of practice in initiating dental hygienist's care, especially in nursing homes, without having a dentist's order. How do you feel about that dental hygienist's role?

Ms Sullivan: There's a recommendation before the minister now. I believe that recommendation was put forward when Ms Witmer was minister, but I may be mistaken about that.

There are two issues here really. One of them is that there appears to be a bit of a conflict in the wording of the Dentistry Act and the Dental Hygiene Act with respect to the order. The other area is with respect to whether a hygienist ought to be able to self-initiate procedures outside of a traditional dental office environment with the order. There have been telling arguments put forward by the hygienists with respect to treatment provided, say in nursing homes or in remote areas, which support their position. There have been other telling arguments put forward by dentists, who are concerned about the protection of patients from harm by some of the procedures. I believe the recommendation that was made to the minister spoke about expanding scopes of practice for hygienists in certain areas but not in other areas, and that it was the harm argument that was telling in that situation.

Ms Scott: So that's under review right now?

Ms Sullivan: Yes, it's on the minister's desk.

Ms Scott: That's fine. Thank you.

The Chair: The NDP caucus?

Ms Andrea Horwath (Hamilton East): My question is similar to the line of questioning you've already been discussing, and that is your belief that there are opportunities for expansion in regard to the regulated professions. What I'd like to know is, how do you feel the delisting of services like chiropractics, which has come down with the recent budget, will affect this particular movement toward—it seems to be the opposite of what we're trying to do in regard to getting more professions regulated. It sends the opposite message when you start delisting some of these professions from OHIP. Could you please comment on that?

1040

Ms Sullivan: Yes. I think that the Regulated Health Professions Act requires that standards be met, no matter how the delivery occurs. Whether it's done under auto insurance or required by matters arising through vehicle accidents, whether it's a situation for workers' compensation or workers' health insurance board, whether it's a liability insurance situation, whether it's an OHIP situation, the point of the RHPA is to ensure that no matter what the circumstances, there is a high standard of quality available to every patient. While decisions such as delisting, I think, are very difficult ones—and the government had to, for whatever reason, make that decision—that's not the point of this legislation. The point of this legislation is to ensure the highest quality, no matter how the service is provided.

Ms Horwath: I understand that, and I thank you for the answer. However, I still believe that you haven't quite answered the question in regard to whether you suspect that there would be any effect at all in the attempts to further expand the number of professions that are included, when the government sends the opposite

message by delisting from OHIP. So on the one hand, we're saying, "We're delisting from OHIP. These professions are no longer part of our health care bundle that are covered by OHIP. However, at the same time, we'll start including others as regulated professions." It seems to be sending an opposite message. So can I just get your perspective on whether or not you think that's the case?

Ms Sullivan: I think that, generally, there's a lack of public awareness, first of all, about the role of the colleges in ensuring standards in the health professions. That's one area that I would certainly like to see improved over the next period of time.

In terms of mixed messages, I think that it's important that the public understand that no matter, as I said before, where or how the service is provided, there will be an equivalency in the standards and the quality of care and the demands made on the professional, whether you are a patient being cared for under the auspices of the workers' health insurance board or whether you're a patient being cared for under the auspices of OHIP or under private liability insurance.

Ms Horwath: So can I just ask, considering your quite impressive resumé and experience in the Legislature, are you someone who then favours the further delisting of services from OHIP?

Ms Sullivan: Sometimes OHIP delisting is a positive thing in that there can be a different allocation of resources. So for instance, I go back to tattoo removals and issues of that nature, which occurred some time ago. I think Mr Bisson was in the Legislature when that occurred.

I think sometimes there will definitely be a shift in service options required on the part of the patient. I think there can be problems, and one hopes that alternatives are taken into account when those public policy decisions are made.

Mr Bisson: I just want to ask the question really directly. There have been cases where all governments have delisted particular services under a particular health care profession. This is one of the first times that I remember where we've actually had a delisting of an entire practice. I guess the question we're asking is, do you favour the decision that the government made in this budget to delist chiropractic and other professional services from OHIP? Yes or no?

Ms Sullivan: I wasn't party to the decision, and I wasn't involved—

Mr Bisson: No, but I'm asking how you feel.

Ms Sullivan:—in the decision-making process. There will be access to some of those services in certain circumstances.

Mr Bisson: Barbara, I have great respect for you. I served with you. But my question is, you're going to chair this particular board that oversees these health care professions, and I would like to know, as a member of this assembly, and I'm sure chiropractors and others would want to know, as the person who's going to be responsible for their professions, how you feel about delisting? Do you agree, yes or no, that the government should have or shouldn't have delisted those services in this budget? Yes or no?

Ms Sullivan: My understanding is that some of those professions indeed requested delisting. So I think that the—

Mr Bisson: Chiropractors asked to be delisted?

Ms Sullivan: I'm not saying that it was the chiropractors.

Mr Bisson: I can tell you not.

Ms Sullivan: But I understand that there was some of that involved.

Mr Bisson: Optometrists?

Ms Sullivan: Nonetheless, the point of this position and the point of the legislation is to ensure—

Mr Bisson: I understand the point of the position, Barbara, but I'm asking you a direct question. My question is, yes or no, do you support the delisting in this budget of services provided by chiropractors and other health services? Yes or no? That's the question.

Ms Sullivan: I'll respond to you by saying that your question is irrelevant in relationship to this act.

Mr Bisson: It is not irrelevant; it's completely relevant. Your particular board oversees and takes a look at issues within those health care professions. You know those health care professionals are upset. They're mad as heck. They're calling all of our constituency offices, and I think they want to know where the board is on this. You're going to be the chair. Yes or no, do you support the delisting?

Ms Sullivan: The professions will not come to the board on that question.

Mr Bisson: They would very much like to know what the heck your position is. You're going to chair this board and I'm asking you a question: Yes or no, do you support?

Ms Sullivan: It will not be an issue that's before the board.

Mr Bisson: Yes or no, do you support?

Ms Sullivan: It will not be an issue before the board.

Mr Bisson: All right. I know what to do with that.

The Chair: Did you have further questions?

Mr Bisson: No. I know exactly where I'm going now.

The Chair: OK. Thank you very much, Ms Sullivan. That concludes the questioning. We very much appreciate you coming forward today.

SHARIFA KHAN

Review of intended appointment, selected by official opposition: Sharifa Khan, intended appointee as member, Metropolitan Toronto Convention Centre Corp board of directors.

The Chair: Our third interview is with Sharifa Khan, the intended appointee as member of the Metropolitan Toronto Convention Centre Corp board of directors. You may come forward now. Welcome. As you are probably aware, you do have an opportunity, if you wish, to make an initial statement. Following that, there will be questions from the committee. Each party will have 10

minutes for questions. We'll go in rotation, and if you do make a statement, that time will be deducted from the government party. So welcome. Did you wish to make a statement, Ms Khan?

Ms Sharifa Khan: Yes, I do. I would like to thank you for the opportunity to address the committee this morning. I appreciate the interest in considering me as an appointee on the board of the Metropolitan Toronto Convention Centre. It will be a great honour for me to be nominated, and I welcome the opportunity to serve the province of Ontario and the city of Toronto.

I came to Canada in 1975 from Hong Kong, the pearl of the Orient, known as the gateway to China and considered one of the fastest-paced cosmopolitan cities in the world. When I first landed in Toronto in 1975, I said to myself, "What is this?" It was quiet, shops closed at 6 pm, no Sunday shopping and restaurants closed early. Of course, today, Toronto has come a long way, in many ways thanks to the vibrant influx of immigrants over the past 25 years who bring the vibrant culture, business savvy and hard work that have now made Toronto a very attractive city in which to live, visit and do business. Now, as a Canadian and a Chinese who is proud of her heritage and culture, I would not want to live anywhere else in the world.

Over the years, I have strived to act as a bridge between my community and the Canadian mainstream at large, building relationships and understanding among diverse ethnic groups to create partnerships, socially and economically, as I have done as a board member of the United Way of Greater Toronto, the Chinese Cultural Centre of Greater Toronto and the Mount Sinai Hospital.

Through my voluntary work, I serve as president of the Toronto Chinese Business Association, and I am one of the founders and development chair of the very popular Toronto International Dragon Boat Race Festival, which is in its 16th year, continuously bringing participants from across Canada and around the world, promoting sport tourism.

One of my proudest achievements was when I was director of the Toronto Board of Trade, creating its first alliance with Toronto ethnic business associations, which have made trade and economic ties with their respective countries, promoting bilateral businesses.

I was also asked two years ago by Frances Lankin, co-chair of the Toronto City Summit Alliance, to come on board as part of the team to promote and build the city of Toronto and to promote the message that Toronto is the economic engine of Canada and deserves a fair shake.

1050

Last year, Toronto went through the tremendous crisis of SARS. At the height of it, one could roll a bowling ball down Chinatown without hitting anyone. That was how bad business was, and, up until now, many have not fully recovered. Of course, it was not just in Chinatown, but many retail, hospitality and tourist-supply businesses in Toronto got the full brunt of it. We lost 28,000 jobs and $2 billion in business. At that time, myself and members of the Toronto Chinese Business Association embarked on an aggressive public relations and marketing initiative to educate our own community about SARS. Also, we had a campaign to drive businesses back to downtown.

Now looking forward: The Metropolitan Toronto Convention Centre's ability to attract major conventions and conferences plays a very important role in the economic viability of many businesses. It drives the economy, not just in Toronto and Ontario, but across Canada. Its success or failure directly and indirectly affects hotels, restaurants, retail and the tourism industry.

The convention business is a very aggressive business worldwide, with major cities and countries going all out to get a piece of the action. Many, working in partnerships with the local and federal government in marketing initiatives, capture not just the attention, but the imagination, of convention planners, international corporations and sports associations, to lure them to their respective cities.

For over two years, Mr Paul Henderson, IOC member, and myself have been asking the federal government for funding to rebuild the 100-year-old brick wall along the western beaches, which is falling down and causing safety issues for many recreational sports clubs. Also, it is part of the Toronto waterfront revitalization plan.

By building a world-class water course for Toronto, it will attract major international sports championships for canoeing, kayaking, sailing and water skiing, not to mention dragon boating. We're now vying to host the 2006 Dragon Boat Club Crew World Championship in Toronto. Sports tourism is one of the hottest buzzwords worldwide and it drives inbound business.

I also believe, with my experience with diverse ethnic communities, I can assist and advise on how to build an image of MTCC in creating partnerships with these communities to drive businesses into the centre—also domestically. The domestic ethnic market segment is still a vastly untapped market.

In closing, I'm honoured to be considered for this nomination. I believe that my experience and knowledge, and most importantly my passion for Toronto, Ontario, to continue to excel as one of the best places to visit, shop and do business, will be positive contributions I can offer as a board member of MTCC. Thank you.

The Chair: Thank you very much, Ms Khan. I would now ask the Progressive Conservative caucus to begin the questioning.

Mr Tascona: Thank you for coming before the committee. Are you a member of the Ontario Liberal Party?

Ms Khan: Yes.

Mr Tascona: Have you been a financial supporter of the Ontario Liberal Party?

Ms Khan: Yes, I have.

Mr Tascona: I noticed that Balmoral Communications has also been a donor to the Ontario Liberal Party. Are you connected in any way with Balmoral Communications?

Ms Khan: I'm the president.

Mr Tascona: How did you hear about this appointment?

Ms Khan: Actually, the Public Appointments Secretariat's office called me and said that I had been nominated and my name put forward for consideration as a public appointee. Subsequently, they asked me to fill out an application and send in my resumé.

Mr Tascona: Do you know who nominated you?

Ms Khan: Mr Gerry Phillips.

Mr Tascona: MPP for—

Ms Khan: Scarborough-Agincourt.

Mr Tascona: I don't have any further questions.

Ms Scott: I represent a rural Ontario riding, and I know the board has a mandate for all of Ontario as well as Toronto. We certainly suffered severely with SARS last year. Do you see the board responding to the challenges that we have in rural Ontario, helping rural Ontario recover from the economic impacts of the past year? I know you spoke a lot about Toronto and you're mainly focused there, but I just wanted to get your thoughts.

Ms Khan: I think urban cities and rural Ontario have to work together hand in hand—very much so. As I mentioned in my statement, I think by being able to attract businesses and conventions and conferences to the Metro convention centre—it's not just the convention and the place itself, but it's also the whole image of Toronto and Ontario that we have to sell. These people, when they come here, once they're attracted to us with the lovely scenery and vibrancy of cities, plan visits outside of Toronto. I think by MTCC being successful, being able to attract the international businesses and the conference attendees, it would have a direct impact on rural Ontario.

Ms Scott: You have a background in marketing communications. Do you see, once they come to Toronto, somehow linking with the smaller municipalities in Ontario to do more marketing while they're here in Toronto?

Ms Khan: I'm not on the board yet, so I still have to review exactly what the partnership is. I believe in partnerships from my 28 years in professional business and also in my volunteer work. I think one cannot say, "I'm supposed to be the only one to survive." In order to make the whole of Ontario survive, I would like to see partnerships with municipalities. How do we drive some of the tourism from the city into these municipalities and rural Ontario areas?

Ms Scott: That's good to hear. I appreciate that.

The Ministry of Tourism didn't fare too well in the last budget. How do you feel about that?

Ms Khan: In what sense?

Ms Scott: They didn't get any extra money in the tourism ministry.

Ms Khan: From what I've read, in 2001 Toronto attracted $17.2 million, down $7.7 million from 2000. There are many factors to it. Obviously, we all know September 11 affected a lot of international travel. It's definitely because of SARS and also the Canadian currency has affected us. We have lost lots of jobs. But I'm not here to say how much money has been put in, because I haven't actually seen all the documents on tourism and I'm not privy to looking at it as of yet.

Ms Scott: It certainly will be a challenge.

How do you feel about the no-smoking ban that's been introduced in Toronto? How do you think that will affect—

Ms Khan: That's an interesting question. With the general perception of the health and welfare of the population at large, this is the only way to go, because smoking is not good for anyone. I know that in the short term it will affect some of the businesses that have relied on liquor and smoking, but as with all things, people get used to it. Some of them have open patios that can be used to attract a crowd. Once upon a time people were smoking in office buildings. So what do they do now? They got used to it.

Ms Scott: Thank you for the comments. That's all.

Mr Bisson: I wasn't going to ask that question, but I guess it raises a point from your perspective. Do you think it's more important to have standard provincial legislation to deal with no-smoking regulations than to have individual communities deal with it? Community X says, "No smoking in restaurants and bars," and community Y says there is. Does that create a certain unfair competition between communities? Would we be better served to have one provincial legislation to deal with that?

Ms Khan: I think it should be provincial legislation, because I feel that since the province is the one that is in charge of health care, promoting the welfare and health of the citizens of Ontario, there's nothing wrong with having it go hand in hand.

Mr Bisson: That's good. It's just something that bugs me, because we're all going through it in our ridings where various communities have different bylaws. I find it creates certain rifts between communities. I just think it would better serve us to have provincial legislation. I expect it's coming some time—Monique, some time soon?

Ms Smith: Soon.

1100

Mr Bisson: I haven't seen it on the order paper yet.

The other thing is that there was a question that was asked by my Conservative colleague in regard to the Ministry of Tourism. As a follow-up to that, there used to be a time when the Ministry of Tourism had a fair degree of ability to have program dollars, a fairly good budget for that, to promote tourism in Ontario. But they also had capital dollars, if there was a project in some community that needed some capital infrastructure to assist in the development of tourism. Do you think that's something we should return to, that the Ministry of Tourism should have a greater role in being able to determine what funds are available for the support of the tourism industry? Or do you favour the direction this current government is going, with one central capital pool that they're setting up where basically tourism competes with everything else?

Ms Khan: I strongly believe that tourism does not rely on one level of government. I think it should be a co-partnership of the federal—

Mr Bisson: That's not so much my question. I agree with you on that. That's not my question. There is a difference, I guess, of approach. It used to be that the Ministry of Tourism, along with the Ministry of Northern Development and Mines, had dollars to develop infrastructure for the sake of tourism, to assist the tourism industry. We're now moving—because the Conservatives started this under SuperBuild and this government is sort of completing it—to where there's only going to be one place you can go for capital dollars. So when you go for a tourism project, you will be in competition with everyone else out there who is looking for capital dollars in a municipality for something. So my question is, do you favour the Ministry of Tourism having more autonomy to determine those projects that are important for the tourism industry, or do you think centralizing those decisions at cabinet is a better way?

Ms Khan: I'll be very honest with you, because at this stage I have not even been privy to any document whatsoever, whether it's a capital expenditure—

Mr Bisson: It's not a question of a document. Philosophically, I'm just wondering.

Ms Khan: I don't think I can answer that question as yet, without having more detailed information and a track record of how it was run and where money comes from and weigh the pros and cons whether the existing situation is the best situation to dispense money or whether—

Mr Bisson: Are you uncomfortable answering that question as—

Ms Khan: No, I'm not uncomfortable answering that question.

Mr Bisson: Let me finish the question. This is a little bit unfair, but I need to ask it.

Interjection.

Mr Bisson: No, I need to ask this, and I have no problem with the government in power appointing Liberals. That's not my issue. I recognize that every government has to have people in place to carry out its agenda. When it comes to decisions by the government, if they're contrary to your particular view, do you think that your association with the Liberal Party would take precedence over your decisions as a board?

Ms Khan: Absolutely not. I come here with the faith that I will be serving on a public board.

Mr Bisson: OK, that's fair.

Ms Khan: I would be working with the board members to present some of the views that would be best to promote tourism in Ontario.

Mr Bisson: So in a conflict situation—

Ms Smith: Let her answer the question.

Ms Khan: There will be occasions—

Mr Bisson: It's my time, not yours.

The Chair: Mr Bisson, if you would let Ms Khan complete her response.

Mr Bisson: You don't need coaching by Monique, by the way.

Ms Khan: If there's any recommendation, I'm sure—I've worked on many voluntary boards and public boards—that would not be my sole recommendation. It will be a joint task force and recommendation. If it's going to be a recommendation that the present government doesn't like, it will be the decision of the board of the Metro convention centre.

Mr Bisson: OK, that's all I'm asking. That's fair. I was expecting you to answer in that way. So basically you understand that your job is to serve the greater community—

Ms Khan: Yes, I do.

Mr Bisson: —not just whatever the government wants to do. Very good.

Ms Khan: There are many appointees, and many appointees come here with different parties, but I think the most important thing the committee has to evaluate or consider is the kind of experience I have that I can bring to the table, more than anything.

Mr Bisson: I have no question with your experience. In fact, we're supporting your nomination. We think you'll do a darn good job. But I just want to make sure, because somewhere in your comments there was something you said that sort of twigged in my mind: do you understand the difference between being a political appointee and serving the greater good? You've answered that question, so that's fine.

The second question is in regard to your association with the business that you're in, the communications business—I forget the exact name. Do you recognize that in your new job you will not be able to favour that company in any way when it comes to advertising contracts etc?

Ms Khan: I understand that.

Mr Bisson: What steps do you plan on taking in order to make sure you don't put yourself in conflict?

Ms Khan: If there is a bid by the Metro convention centre—first of all, I would have to look at the conflict-of-interest guidelines of the MTCC board, and I would ask the opinion of the chair in giving me guidance on what to do and I will strictly follow the conflict-of-interest guidelines.

Mr Bisson: Just a comment you made in your opening statement, and I thought it was bang on, that this city has become a much better city as a result of people immigrating into the city. It has added to the colour and dynamics of Toronto. I remember far too well having to run into Toronto in the 1970s and 1960s as a young guy. It was not the kind of city we see today as far as the various choices that we have in the city. And I totally agree, Hong Kong is beautiful—Kowloon and other places. I'd love to go back. It's a great place to visit.

The Chair: The government? Ms Smith.

Ms Smith: Thank you, Ms Khan. We're delighted to have you here today. I was just wondering if you could highlight a little bit for me some of your experience with the Toronto Chinese Business Association, the Toronto

City Summit Alliance and your involvement with the dragon boat racing, and just how that experience ties in with promotion and marketing in the tourism area.

Ms Khan: As a director and past president of the Toronto Chinese Business Association, we have worked very hard to bridge the Chinese community and the mainstream. And it's not just the Chinese community in Toronto that we're talking about. By having a relationship, we're talking about Chinese who have businesses and families still back in southeast Asia. That's where we could see a promotion of trade. And you know very well that when there's a promotion of trade, there's a promotion of tourism.

When we brought the dragon boat festival here, we started as actually a cultural initiative. Never in our imagination did we think that it was going to boom and be so popular as it grew. It has become one of the major attractions of Canada, actually. We're the largest dragon boat festival outside of Asia. We continually bring international participants from countries in Europe, Asia and the US to Toronto, and after they come to Toronto, they proceed to visit other areas of Ontario and across Canada, going to Vancouver and Calgary. So we feel that this is a vast contribution to tourism.

Ms Smith: Great. Can you just tell me a little bit about your involvement with the Toronto City Summit Alliance, which was involved in rebuilding the city of Toronto?

Ms Khan: I was asked mainly as a bridge for ethnic communities because of my skills and knowledge so that the information and support for that summit would be, first and foremost, communicated accurately to these communities. Also, because of my background they wanted me to sit on the board to ensure that I would participate and advise in a consultative way about businesses, tourism and also, as I've mentioned, the waterfront revitalization.

The Chair: Thank you very much, Ms Khan. We appreciate your taking the time to be here this morning.

Ms Khan: Thank you very much.

BRIAN SMITH

Review of intended appointment, selected by official opposition: Brian Smith, intended appointee as member, Metropolitan Toronto Convention Centre Corp board of directors.

The Chair: Our fourth and final interview today is with Mr Brian Smith, intended appointee as, again, member of the Metropolitan Toronto Convention Centre Corp board of directors. I see you coming forward, Mr Smith.

As you've probably heard, you do have an opportunity to make an initial statement, and then you'll be questioned by the members of the committee. They'll each have 10 minutes. We'll go in rotation. If you do make a statement, the time you use will be deducted from the government party's allocation.

Welcome, Mr Smith. Did you wish to make any statement?

Mr Brian Smith: Yes, a brief one.

Good morning, Chair, members of the committee. Thank you for inviting me to appear before the committee and for considering my appointment to the Metro Toronto Convention Centre Corp. I believe you will have received my resumé prior to this meeting, so please allow me now just to take a few minutes to tell you about who I am and how I might be able to contribute to the board of directors of the MTCC.

My background is varied, but generally all related to communications. I began my work career as a reporter. I worked for seven years in the parliamentary press gallery in Ottawa, which is, no doubt, where I acquired a taste for government and policy-making.

I left journalism in 1982 to become associate press secretary to Prime Minister Trudeau, then worked on Mr Chrétien's first leadership campaign in 1984, and briefly for Mr Turner during the national election campaign later that year.

Since then, I have worked in the private sector: for 10 years as corporate spokesperson for BMO Financial Group, and for the past nearly 10 years as the owner of one or another communications consulting firms. Currently, I run my own business, which is called IR Counsel Inc.

1110

In the course of my consulting career I've worked with a variety of private sector clients—in the financial services world, naturally, because of my background at BMO, but also in telecommunications, biotechnology, and travel and tourism. My tourism clients have included Air Canada, Lufthansa, as well as Star Alliance—the airline network that brings together many of the world's largest airlines. At my former firm, Opsis Communications, we handled media relations for the Santé wine festival, which just completed another successful year in Bloor-Yorkville two weeks ago.

Running your own business is time-consuming, as you will no doubt appreciate, but I've always felt that it is important to find time to contribute to the community in some way. In my case, this has taken various shapes over the years. At BMO, I was director of our employee charity, then known as Our People Fund. For the better part of 10 years now, I've been involved with the Learning Partnership, which is the organization that brings together educators, government, business leaders and parents to promote publicly funded education. I also sit on the advisory committee for the public relations program at Humber College.

I have been looking for another opportunity, and that was what led me to visit the public appointments Web site earlier this year and express my interest in serving my province and my adopted city. I've lived in Toronto now for nearly 20 years and watched our tourism industry grow by leaps and bounds, driven largely by major events and major conventions. The spinoffs from these visits, I feel, are vital to our economy.

The past year, of course, has not been good. As a barometer, we need only consider the hotel industry in

Toronto. Hotels in the downtown core have suffered a double whammy: lower occupancy numbers overall, and, for those beds that they are managing to fill, lower daily room rates. Let's hope that the extra funding which has been earmarked for tourism recovery earlier this year, such as the $10 million in additional funding for the Ontario Tourism Marketing Partnership, will help to turn that trend around.

I expect that this will continue to be a major preoccupation of management at the MTCC: finding good conventions to bring to our city. As a director of MTCC, I would support these efforts in any way that I could. Business travel often provides visitors with their first taste of Toronto, and if they have a good first experience, they will come back with friends and family and hopefully go to the rest of the province.

I think my marketing and communications skills will contribute to the board, I think my business and financial skills will contribute to the management of the corporation, and I think my international experience and tourism and travel experience will be positives as the MTCC sets its course.

So, Madam Chair, I'd be happy now to answer questions from you and your colleagues.

The Chair: Thank you very much, Mr Smith. We'll begin with the NDP. Did you have any questions, Mr Bisson?

Mr Bisson: Just really quickly: I had a chance last night to go through your CV. I notice you do a fair amount of international work, and I'm just wondering if there's anything in your mind that you can do in order to be able to bring those experiences into the board in order to assist with the work that you'll be doing there. Have you thought about that?

Mr Brian Smith: I have. I certainly have experience. I have travelled widely and I have run a business that has done work overseas—in Ukraine, principally. I'm not currently active in any international business. However, I think having a sensitivity to international business and understanding how international business works is important when you're working with an organization like the MTCC. Also, I think having an appreciation for our city and the many diverse cultures—

Mr Bisson: But you still have contacts, I take it, abroad that could be of use. I just thought that was an interesting angle to this.

Just the other thing—I can't help it; we're in the middle of a federal election: I notice that you ran, it says here, a very successful media campaign during Mr Chrétien's 1984 Liberal Party leadership bid. Has Mr Martin called you lately?

Mr Brian Smith: No, Mr Martin hasn't called me.

Mr Bisson: Well, maybe you should. Do you want me to provide him with a phone number, because I think he's having some problems. That must have been a fascinating experience. Just so you know, I don't have a problem that you're a Liberal. That's fine by me. I wish you were a New Democrat, but we'll work on that at another time. That must have been a pretty fascinating experience. Those experiences that you have working within that realm of politics: How do you see that assisting you in what you're doing here in regard to this particular appointment?

Mr Brian Smith: Again, I'm being considered for an appointment for a board, and it's a board that has business to do and conducts the business of the corporation. I don't pretend that I'm going to be out booking conventions internationally as a result of the experience that I have. I do hope, though, that it gives me a sensitivity to it. I hope that I'll be able to use all of my experience to provide advice to the management of the convention centre.

Mr Bisson: If I understood what I read here, you were on Mr Trudeau's press staff?

Mr Brian Smith: I was his associate press secretary.

Mr Bisson: How long did you do that?

Mr Brian Smith: From 1982 to 1984.

Mr Bisson: That would have been pretty fascinating as well.

I just say, leave me your phone number and I'll tell Mr Martin that he might be needing your services. With that, thank you very much.

Ms Monique Smith: For Mr Bisson's benefit, I always like to ask any applicant whose last name is Smith if they're related to me, so that we can assure him we're not relatives.

Mr Bisson: I wasn't even thinking that. I didn't see "Monique" in there anywhere.

Mr Brian Smith: Not that I know of.

Ms Monique Smith: Exactly.

Thank you for being here, Mr Smith. We appreciate it. I wanted to ask you a little bit about your involvement with the Public Relations Society of America and the Canadian Public Relations Society and how that would have any impact on your involvement with the MTCC.

Mr Brian Smith: I consider it to be a professional organization, and if one is in the business of public relations you like to be involved in what's happening in your profession. While we're not formally a profession, we like to consider ourselves professionals. My involvement with CPRS and PRSA has been mostly as a member; I've not been involved directly in a management or volunteer capacity with either of them. I think it's more a way to keep up with one's credentials, one's knowledge of trends in the industry and what's happening.

Ms Monique Smith: Good. Thank you.

The Chair: Any further questions?

We'll now turn to the Progressive Conservative Party, Mr Tascona.

Mr Tascona: Thank you, Mr Smith, for coming here today. I take it you're from Windsor originally?

Mr Brian Smith: No, I'm not, in fact. I was born in Ottawa.

Mr Tascona: Is that right? Are you a member of the Ontario Liberal Party?

Mr Brian Smith: No, I'm not.

Mr Tascona: You're not? The federal Liberal Party?

Mr Brian Smith: No, I'm not.

Mr Tascona: Have you been a financial supporter of the Ontario Liberal Party?

Mr Brian Smith: I have contributed over the last year, I think, to all three parties.

Mr Tascona: You worked in Ottawa for a while, and I understand there are several former Ottawa Liberal staff members now working for Mr McGuinty. Do you know any of them?

Mr Brian Smith: Former Liberal staff members? I do know Gordon Ashworth, who has been advising, I believe, but not working in the office. I would have run into Mr MacNaughton during the proposed merger between BMO and Royal Bank in 1998. We have, over the years, at BMO had some involvement with Pollara as they've done polling for us. So I have met Don Guy. These are among the many people I've met. I could probably name many in the other parties as well.

Mr Tascona: How did you hear about this appointment?

Mr Brian Smith: I found it on the Web site. I've had an interest in getting involved. I knew about the existence of this board, as well as Ontario Place and a couple of others that were of interest to me and had been of interest to me over the years. So I found it on the Web site and I applied there.

Mr Tascona: Have you spoken to anyone from the government about the position?

Mr Brian Smith: When it was being considered, I did speak to the executive assistant to the Minister of Tourism.

Mr Tascona: Your company is involved in government relations. Is that correct?

Mr Brian Smith: We have done government relations. Currently, my major involvement is with BMO Financial Group. They are my major client, and at BMO I'm involved in government and community relations. That's right.

Mr Tascona: Is your firm doing any consulting with the provincial government on behalf of clients?

Mr Brian Smith: No, it is not.

Mr Tascona: Not at this time?

Mr Brian Smith: It has not done.

Mr Tascona: Those are all the questions I have.

Ms Scott: Thank you very much for appearing here today. I'm going to ask a similar question that I did to Ms Khan, and that is about rural Ontario and how you see any communication links between the board that you're on and what we can do to improve the tourism economic value to rural Ontario, and internationally also is very interesting.

Mr Brian Smith: It'll have to be anecdotal. I don't have any direct information to provide.

Ms Scott: Just thoughts.

Mr Brian Smith: I can certainly say that from the discussions I've had about tourism in Ontario—and over the years I've been involved in various things: the wine industry, for instance, and how to promote the wine industry—there used to be a bit of a struggle between putting money into promoting Toronto versus other communities in the province.

1120

I think one of the outcomes of the SARS situation last year is that the rest of the province discovered how important it is to get tourism to Toronto in order to promote tourism outside of Toronto. I think that is one of the realizations in the industry. So by promoting a vibrant convention industry in Toronto, we are going to be helping the tourism industry outside of Toronto. I think that finding ways to promote other things outside the city when people come to Toronto for a convention is important, whether it's going to the various wineries, which is a very popular thing for conventioneers coming to Toronto—it gets them out of the city. It gets them not only to Niagara, but now increasingly toward Prince Edward county.

Ms Scott: That's good to hear. To work with rural Ontario would be great. I know they're struggling, especially since SARS last year.

How would you approach your role as a member of the board of directors? You have a big communications background. Do you think you'll be strongly influenced in communications? How do you see your role on the board?

Mr Smith: I do. I don't know all the people who are on the board, but I believe that one of the areas where I can fill a bit of a void is with that communications sensitivity, with the appreciation for how better to communicate. Again, when you're on a board of directors, your job is not to be management; your job is to oversee management and make sure that you're asking the right questions. I think I would ask questions that reflect my background, which is communications.

Ms Scott: That's good. I look forward to that.

We noted that there is a Brian Smith who is the riding association director for Prince Edward-Hastings and executive assistant to Ernie Parsons. Is there any connection?

Mr Parsons: No relation whatsoever.

Mr Smith: Neither have I ever chaired Canadian National Railway nor been a sportscaster in Ottawa.

Mr Parsons: There are quite a few Smiths, evidently.

Ms Scott: And a few Scotts too, apparently, so I'm just clarifying. Thank you very much. I have no further questions.

The Chair: Thank you very much, Mr Smith, for appearing. That concludes the time allocated.

We have now concluded the interviews for this morning. We will now review the appointments and consider first the intended appointment of Denis Perrault as member, Agriculture, Food and Rural Affairs Appeal Tribunal/Board of Negotiation.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? If not, all in favour? Opposed? The motion is carried.

Moving now to the intended appointment of Barbara Sullivan as chair, Health Professions Regulatory Advisory Council.

Mr Bisson: On a point of order: Under the standing orders, I wish to defer this particular appointment and ask that she reappear next week. She did not answer the questions we posed to her.

The Chair: She will not be coming back. However, we can defer consideration of the appointment for one week.

Mr Bisson: OK. It'll give her a chance to reflect on that.

Mr Tascona: We would support that also, for some of the issues dealing with the delisting and her opinions on adding different professions and at the same time delisting services. We would support that.

The Chair: We will now consider the intended appointment of Sharifa Khan as member, Metropolitan Toronto Convention Centre Corp board of directors.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? If not, all in favour? Opposed? The motion is carried.

We will now consider the intended appointment of Brian Smith as member, Metropolitan Toronto Convention Centre Corp board of directors.

Mr Parsons: I again move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? If not, all in favour? Any opposed? The motion is carried.

I would now ask if there is any further discussion on any issue before we adjourn. If not, this meeting is adjourned until June 9, 2004. Thank you very much for your participation.

The committee adjourned at 1125.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 9 June 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 9 juin 2004

The committee met at 1004 in room 151.

INTENDED APPOINTMENTS

The Chair (Mrs Elizabeth Witmer): We're going to call this meeting to order. The first issue on our agenda is the extension of deadlines. Pursuant to standing order 106(e)(11), unanimous consent is required by the committee to extend the 30-day deadline for consideration for the following intended appointees:

W.E. James Attwood, intended appointee to the Town of Midland Police Services Board; Helena Guenther, intended appointee to the Elgin Community Care Access Centre board of directors; Elizabeth Ann Post, intended appointee to the Oxford Community Care Access Centre board of directors; David L. Knight, intended appointee to the Ontario Securities Commission; Dawn Bennett, intended appointee to the Ontario Heritage Foundation; Lorraine Desjardins, intended appointee to the Thames Valley District Health Council; Anne Mundy, intended appointee to the Algonquin Forest Authority; and Sean Strickland, intended appointee to the Social Benefits Tribunal.

Do we have unanimous consent to extend these deadlines from June 20 to July 20, 2004?

Mr Gilles Bisson (Timmins-James Bay): I have two questions. I take it you've distributed that in writing to members of the committee? Because I don't have a copy of that, and I'm just wondering why.

Clerk of the Committee (Ms Anne Stokes): What we have distributed instead is this chart, and if you look on pages 3 and 4, you'll find the date of the certificate and the names—

Mr Bisson: Oh, so you started from May 14.

Clerk of the Committee: These are all of the selections that have been made since the start of the committee.

Mr Bisson: And this motion just allows, by giving unanimous consent, for them to be called for the committee, right?

Clerk of the Committee: Yes.

Mr Bisson: OK. Thanks.

The Chair: Do we have unanimous consent? Yes. OK.

Then it would be our plan, as well, if it can be agreed to, that we would sit on July 20 to meet, and at that point in time there well may be additional appointees for consideration. Do we have consent?

Mr Bisson: Sorry, I was reading.

The Chair: I'm suggesting that since we're extending the deadline to July 20, this committee would sit on July 20 to deal with any intended appointees, not just these that may still not have received an appointment and have been scheduled, but any other appointees we may be considering. So we would sit on July 20.

Mr Bisson: July 20?

The Chair: Yes. We're going to have to sit. We can't accommodate all of the appointees in the next two weeks.

Mr Bisson: I would prefer we leave that up to the whips to work out, because there may be some scheduling issues. Let's say that we've duly noted that we want to meet, but we'll leave it up to the whips to work out the actual dates. There's a recommendation, but we'll bring that back to the whips.

The Chair: You mean the subcommittee?

Mr Bisson: There's a recommendation to sit on July 20, and what I'm saying is just leave it with the party whips to determine which date will work better for people, because I want to make sure; there may be conflicts with the Liberals or us or with the PCs. I'm the person on the committee, but I very well may not be available that date, for which I have to get a sub.

The Chair: I do anticipate that probably not everyone will be available on July 20. I guess I was simply making that as a suggestion in order that we would tentatively schedule that and people could plan for it. But I think certainly we need to make sure it meets—

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): Just two questions. First of all, where did the July 20 date come from?

The Chair: The July 20 date? Well, we're doing the extension, and I guess part of what we want to make sure we do is that we include all of the other appointees that we're going to be identifying.

Mr Tascona: That's fine. Is there a possibility of doing a full day before the House breaks?

The Chair: There are only four people right now that we are not able to accommodate, so it wouldn't even require a full day.

I've just heard from the clerk that we need an order of the House to sit, so that wouldn't be doable.

Mr Tascona: Well, it would be doable if we make a request to do that. You're saying there are only four?

The Chair: There are only four right now that we can't accommodate in the next two weeks. However, there are going to be other appointments, and if parties identify other people, then we're going to have more than four.

Ms Laurie Scott (Haliburton-Victoria-Brock): So we are going to need to sit sometime anyway.

The Chair: Well, we have four people that we can't accommodate next week or the week thereafter.

Mr Bisson: I can be helpful, because at House leaders we've had some discussions very briefly about committee meetings in the summer. We're trying to work it out so that it's in a particular block of time so that people can plan. I don't want this committee being out of sync with what the plans will be for other committees that will be sitting this summer. I don't disagree that we should meet this summer. I'm just saying let's leave it up to the party whips to determine what the best dates are based on the recommendations of the committees. That would be the best way to deal with this.

The Chair: Well, if it's the wish of the committee that we don't set a date right now, that's fine. That decision can be made by the subcommittee of the three parties. I'm just putting you on notice that right now there are four appointees whom we will need to hear, whom we haven't been able to schedule before the House—

Mr Tascona: The standing orders require 30 minutes for an appointee.

Clerk of the Committee: If I may—

The Chair: Yes, go ahead, Anne.

1010

Clerk of the Committee: The standing orders don't specify the 30 minutes. That has been a committee practice that had been determined a number of years ago, and it seems to have worked to the satisfaction of the committee, but the standing orders just provide that the committee will determine when and for how long a person is to be interviewed.

The Chair: I guess that's one of the other decisions that the subcommittee could take a look at—whether they would want to try to accommodate all of these people within the next two weeks and make a change to the time.

I've also just learned from the clerk that in order to accommodate these individuals, not only could we change the length of time they appear before the committee, but we actually could start our meetings at 8 or 9 o'clock in the morning, because we are authorized to sit in the morning. If, in the course of the next two weeks, we wanted to consider doing that, that would certainly be another alternative.

If the subcommittee would like to meet at some point in the near future and make a decision as to how we deal with these intended appointees, that would be appropriate.

We'll move on now. Before we begin with our first interview, I would like to extend, on behalf of the Ontario members of provincial Parliament and the Premier, our warm welcome to the delegates who are here from Kenya. I understand that you are members of the public accounts committee. Welcome, and we hope you enjoy your stay.

Mr Bisson: We were just wondering if it was a reciprocal invitation. Kenya is a beautiful country.

ROBERT SHIRLEY

Review of intended appointment, selected by third party: Robert Shirley, intended appointee as member, Town of Mono Police Services Board.

The Chair: We'll now begin. Our first interview is Robert Shirley, intended appointee as member, Town of Mono Police Services Board. I would invite Mr Shirley to come forward at this time.

As you may be aware, Mr Shirley, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, you are going to have questions from all members of the committee. At our last appointment review, we started with the New Democratic Party, and so today we will begin with the Liberal Party. Each party will have 10 minutes for questions. We'll go in rotation. As is also the practice of this committee, any time that you would take, Mr Shirley, in your statement, will be deducted from the time allotted to the government party. Welcome. We are pleased to see you this morning. You can begin.

Mr Robert Shirley: Good morning, Madam Chair and members of the standing committee on government agencies. You know I have applied for the public appointment for the Mono township police services, which I have been on and which I have really enjoyed being on, and which I look forward to being on again, if that's your wish.

You have in front of you the resumé that I had sent in, and there are a couple of additions to that. I am now vice-chair of Credit Valley Conservation. I am also chair of what we call the Island Lake management committee. When you are going up through Orangeville, on the right hand side there is a big lake, and I chair that big management committee.

Mr Bisson: How's the fishing?

Mr Shirley: To be honest about it, it wasn't any good until the sun came out. Now it's going really well. We had a really slow spring.

I have been involved with local politics. I started back in approximately 1976. I was a councillor in Mono, then I was deputy reeve, then I ended up as the warden of Dufferin county. I retired from that approximately nine years ago. I have been on the Credit Valley board for the last 23 years, and for the last four years I've been appointed by East Garafraxa, Mono and Amaranth townships put together.

I'm trying to give you some of the background of my experience on many other boards and everything like that. I really enjoy doing volunteer work in those lines.

I was licensed under the Ministry of the Environment, and I still am, for many years. I actually retired partially from the business I was in a year and a half ago, about

two thirds; for the other third, the people won't seem to let me retire, so I'm still carrying that on. That is water issues and that type of work.

I've been appointed twice. I think it was just over three years I was appointed and it ended last October. I applied and I was waiting on that to come through, and that's the reason I'm here today.

Thank you for inviting me down. I certainly appreciate coming before you, and I'll answer any questions you may have.

The Chair: Thank you very much, Mr Shirley. We will begin with the government party.

Mr Ernie Parsons (Prince Edward-Hastings): It's traditional for the other parties to ask this question, so we're going to beat them, and there is no wrong answer: any political affiliation?

Mr Shirley: To be honest about it, I've been with all three parties over the years.

Mr Parsons: Currently?

Mr Shirley: Currently I am with the Conservative Party.

The Chair: Any further questions from the government party? OK, thank you, Mr Parsons.

I now ask the Conservative Party.

Mr Tascona: You've been on the police services board before. Are you familiar with the civilian oversight process for the police?

Mr Shirley: What's that?

Mr Tascona: The civilian oversight process for the police in terms of reviewing complaints filed against the police.

Mr Shirley: Not a lot, because we haven't had to get into that so far, and we rely on the sergeant to deal with that part to start with.

Mr Tascona: You're familiar with the process of where—

Mr Shirley: To a point; just to a point, though. We haven't had a problem to get involved with that to any extent.

Mr Tascona: The government is looking to change that. Do you have any thoughts on that?

Mr Shirley: That actually came up to our board for review, which is coming up at our next meeting, and we're supposed to be doing research on that, so at this point I couldn't answer you any further on it.

Mr Tascona: But were you satisfied with the process before?

Mr Shirley: Yes. It seemed to be working well. The sergeant had handled any problem that came up, so it never came to us to help him on that. It was fine with us.

Mr Tascona: With respect to the police services board, what issues do you think are important for your area in terms of how your board could operate?

Mr Shirley: We had some problems, we call them serious problems, up in our area to start with as soon as I got on. The board had been operating for about a year without an appointment. It may not sound very important to some of the bigger boards, but we had a terrible time with false alarm calls, where our officers were really tied up. We had up to maybe 30 calls a month with false alarms, and they were all false alarms. We've really tried to dig in and deal with that. We have dealt with that and recommended a bylaw to the township, which was passed. Everything is going reasonably well on that; we've dropped them well over 50%.

The other issue we are trying to deal with is 911. Our first three digits up there are 941, and the four is directly below the one. So far we haven't really been able to handle that. We're still in discussions with them on that.

Mr Tascona: What do you think about drug testing for police officers? Any thoughts on that?

Mr Shirley: I have no problem with that for anybody, police officer or whoever.

Mr Tascona: You would support mandatory drug testing of police officers?

Mr Shirley: I would have no problem, myself, with that. That's my opinion.

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Mr Tascona: What about photo radar? Are you in support of photo radar?

Mr Shirley: Photo?

Mr Tascona: Yes.

Mr Shirley: They have radar in the car, so why not have photo radar?

Ms Scott: I just have one question. It's a three-member board?

Mr Shirley: Three-member board.

Ms Scott: You've been on the board before, to 2003.

Mr Shirley: Yes.

Ms Scott: Do you feel a three-member board is sufficient or would you like to see it at five?

Mr Shirley: It's fine.

Ms Scott: A three-member board's been fine?

Mr Shirley: Absolutely fine. We discussed that at our last meeting and we're quite satisfied with what we've got.

Ms Scott: You were on the board until 2003; is that right?

Mr Shirley: Yes.

Ms Scott: And then, I'm sorry, I didn't hear if you said it earlier: Was there a reason you stepped down?

Mr Shirley: The term of my appointment came up in October. I had reapplied and I hadn't heard anything until just recently.

Ms Scott: That's fine. Thank you for coming today and appearing.

The Chair: The New Democratic Party.

Mr Bisson: Welcome to our committee. We're so happy to have you.

Mr Shirley: Glad to be here.

Mr Bisson: Very good. Was it a municipal appointment previously?

Mr Shirley: No.

Mr Bisson: So you had a provincial appointment before.

Mr Shirley: Yes, I've been appointed twice by the province.

Mr Bisson: By the province. The other two appointees are municipal appointees, right?

Mr Shirley: Yes.

Mr Bisson: OK.

Just to follow up on one of the questions my colleague asked you, and that is the question of civilian oversight, explain to me a little bit a couple of things. When this sergeant gets a complaint from citizens in regard to whatever it might be, does he report all of those complaints to the board?

Mr Shirley: Yes. As far as I know, he does. I'm pretty sure he does.

Mr Bisson: I don't think you get a lot of them.

Mr Shirley: No, we don't.

Mr Bisson: You'd get how many in a year, roughly?

Mr Shirley: Two.

Mr Bisson: Two or three. Have there been cases where the sergeant reports that somebody has made a complaint and there is still a sense by the complainant that it's not been dealt with? Do you get that sense at all?

Mr Shirley: No, we haven't had that problem.

Mr Bisson: How many officers in your force?

Mr Shirley: Approximately 25 to 30.

Mr Bisson: They police a population how large?

Mr Shirley: We're around 75, but that—

Mr Bisson: Is that 75,000?

Mr Shirley: We have one designated for Mono township.

Mr Bisson: That's 75,000?

Mr Shirley: It's 7,500.

Mr Bisson: I was going to say that's not a lot of police for 75,000.

Mr Shirley: It's 7,500 for Mono, but they look after Dufferin county.

Mr Bisson: That's what I'm saying. Overall, how many people do they protect, ballpark?

Mr Shirley: Oh boy, 35 maybe. It might not even be that—25.

Mr Bisson: Just to come back to the oversight issue a bit, there is a thought in the province, and it may not be so much the case with the police service you're involved with, but people get a sense, especially in larger cities, that complaints sometimes fall on deaf ears. That is the reason the government is looking at the possibility of a police oversight commission. As far as the concept is concerned, are you opposed to that? Are you in support of that?

Mr Shirley: I don't have a problem. If there are people out there who really have a strong feeling that their problem hasn't been dealt with, they should have something in writing. Somebody should to talk to them or something to make sure it has been. We just haven't got into that one.

Mr Bisson: But you don't have a problem with the concept.

Mr Shirley: I don't have a problem with that.

Mr Bisson: More times than not, I think you're right: the sergeant of the day normally deals with most complaints fairly adequately.

Mr Shirley: No problem.

Mr Bisson: I think you're right on that.

One of the things I'm interested in, and I think you probably are as well because you've served on this board for a long time, is that being a police officer can be a pretty tough job at times. One of the things, in talking to police officers around the province, is how do we motivate them to continue doing the good job they want them to do? Has there been any work on your police services board to look at how we reward police officers who try hard, how we encourage and support them? Do you guys have any initiatives that are of interest?

Mr Shirley: We don't have an initiative, I would say, but we do praise the officers that do a good job; there's no question about that. We have even invited the one who represents Mono into our office—he's not on the board or anything—and talked and discussed with him the problems we have. He's doing an excellent job. We tell him that.

Mr Bisson: But is there anything you've seen in your work that would be a good initiative that other police boards could look at? I know an issue in some of the boards, some of the police services, not all, is that sometimes they get a sense that it's a bit of a grind. You're the guy who gets called out to the family domestic complaint etc and sometimes it's not a very—how would we say?—rewarding job when you've got a string of those. Have you heard of anything that is of interest to you that we can be looking at?

Mr Shirley: I really haven't, not on that subject. That may be a thought that I wouldn't mind bringing up to our association, whenever that does come up, because there are a lot of officers who go to that. That's a good thought.

Mr Bisson: I'd appreciate it. If you do come up with something, if you could let us know, that would be good.

The other thing is, what's the composition of your force? It's 35 officers. How many men, how many women, etc? Does it fairly reflect the community, in your sense?

Mr Shirley: I cannot tell you the breakdown between men and women. I don't have that.

Mr Bisson: But when you look at the community itself, when you look at the community that it polices, is it your sense that your police force represents that community by way of making sure that we have people from different backgrounds, different genders, etc?

Mr Shirley: Oh, OK. We have discussed the different gender type of thing. I think we're well represented on that. We have people who can actually go out to different types of organizations, and they've done a good job for us.

Mr Bisson: In the area that you're responsible for, what's the composition of the overall population? Is there a big Asian community?

Mr Shirley: Retired. Is that what you're saying?

Mr Bisson: No. As far as ethnicity, is it mostly white, Anglo-Saxon Protestant? Is it a mix of people from different backgrounds? I'm not too familiar with your area.

Mr Shirley: We used to be mostly white Anglo-Saxons, but we're not—I would say we're really changing. We're in a changing mode now up there.

Mr Bisson: So what are the other large groups of new citizens? I guess my question is, when you think about that, are your police services trying to figure out how to reach out to those communities so that we can be sure we understand each other? Often, policing issues, as far as confrontation or problems, may be because communities don't understand each other. So my first question is, do you feel that your police services are doing work in order to try to reach out to those new Canadians, those new communities, in order to better understand each other so there are good relationships between the police and the various communities? Are there any initiatives in that way?

Mr Shirley: I wouldn't say we have any initiatives, because we just really haven't gotten into that yet.

Mr Bisson: So there's not a lot of issue in it?

Mr Shirley: No.

The Chair: Thank you very much, Mr Bisson.

That concludes the interview, Mr Shirley. We thank you very much for coming today. You may step down now.

Mr Shirley: Thank you very much.

MONICA DONAHUE

Review of intended appointment, selected by third party: Monica Donahue, intended appointee as member, North York Community Care Access Centre board of directors.

The Chair: Our second interview this morning is with Monica Donahue, the intended appointee as member, North York Community Care Access Centre board of directors. I would invite Ms Donahue to come forward.

As you probably heard, should you choose to make an initial statement, you certainly have an opportunity. Following that there will be questions from members of the committee. Each party will be allocated 10 minutes for questions. We go in rotation. Any time that you take in your statement will be deducted from the time allotted to the government. We welcome you, Ms Donahue. If you have a statement, you may certainly make that now.

Ms Monica Donahue: First, I'd certainly like to thank you for the opportunity to meet with you today and to talk about this potential appointment with the North York Community Care Access Centre. I must say it's an interesting time for one to be involved in the health care system in Ontario, so I find it a most intriguing opportunity.

My prime career experience is in human resources. I expect you have my resumé, so you're aware that that's been the focus of my work career. I've worked in a number of specialties in the field—compensation, recruitment, learning and development, employee relations. Most recently, I'm a senior generalist, or a human resources business partner, equivalent to a human resources director. In that capacity I interact on an executive level in the organization on a pretty regular basis, so I'm involved both at the working level and with the strategic planning process in the organization.

I also worked briefly in the health care system in the United States and had the opportunity to work as a compensation consultant for a health maintenance organization there. That's not to suggest that I believe we should be using the American model, but it was an interesting view into the American health care system.

My education includes an undergraduate degree in physiology and pharmacology, and I also completed a master's in business administration at the University of Toronto.

My interest in the position really lies mainly in two areas. First, it's an opportunity for me to give back to the community in which I live—I live, actually, bordering on North York—but it's also an area for me to grow personally. By that I mean, the board was specifically looking to round out the skills set that they have—it's quite a small board, three people—and they were looking specifically for some human resources skills on the board. I bring some depth in that area.

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Also, it's an opportunity for me to be more familiar with the direction of health care in the province and to provide some representative perspective from the community on the support that community care, particularly, can add. As well, having an aging parent—and I suspect there's a number of people in the room who are in the same situation—and other relatives who live at home, I certainly understand the value of community care in enhancing the quality of life for people but also in managing the cost of health care.

So there's obviously some significant change happening in the health care system. From my understanding, that means increasing accountability, some integration, perhaps the consolidation of services and more creative use of limited resources. When you look at this from the perspective of overall leadership and strategic planning, that means a lot of change. It will require solid leadership from the ministry, the leaders of the boards of the organizations and the management teams.

I believe that's one of the reasons why the board has asked me to join them, because I come from an organization that, over the last few years, has actually gone through significant acquisition, consolidation and operational efficiency. So I've been both a participant and one of the leaders in significant change.

I had the opportunity on the weekend to hear Deputy Minister Hassen speak to a group of health care professionals at a dialogue on health care. It was interesting to hear his priorities. I'm sure everyone is pretty familiar with those: a focus on getting people care faster; the development of family health teams and local health networks; a focus on chronic-illness management; and improving alternative long-term care.

The overall message that I got from the deputy minister was that continuity of care was critical. Again, in my view, that's going to require active leadership, both

from the ministry and from the leaders of the organizations. Where I think I can help is to add thought leadership at the board level regarding some of these challenges and opportunities relating specifically to integration.

In North York, the community care board seems to have a very good relationship with North York General Hospital and I think has already taken some positive steps in the direction of focusing on the client and improving the continuity of care. I'd certainly be interested in helping them. Again, it's a small board, and I think they certainly need more manpower in a number of areas to help move that forward. So, if the committee sees fit to endorse my appointment, I'd be happy to take an active role on the board.

The Chair: Thank you very much, Ms Donahue. We will begin with the Conservative Party.

Mr Tascona: Thank you, Madam Chair.

Thank you for coming to the committee today. I noticed your background. I didn't really see any background in health care. So what would possess you to want to get involved in this? I know you have human resource skills.

Ms Donahue: Again, I was in a position where I was looking for an opportunity to do some volunteer work and give back to the community. I saw the ad that the community care access centre had posted. They were specifically looking for people who had human resources skills. I believe they were also looking for finance as well, because they had approached another individual with a finance background. That's mainly the skill that I bring.

As I said, I had brief experience working in the health care system in the United States, but I'm not sure that's the main skill that they're looking for. Having a general management graduate degree and working at a general management level, I think I've got a pretty good grasp of the strategic planning process. Hopefully, I can add some support in that direction too.

Mr Tascona: How did you find out about the position?

Ms Donahue: They actually advertised in the community paper.

Mr Tascona: Are you a member of any political party?

Ms Donahue: No.

Mr Tascona: No. So they advertised in the community paper. Where was your application sent?

Ms Donahue: Where was it sent?

Mr Tascona: Yes, where was it supposed to go?

Ms Donahue: They had a communications person on board at the centre at that time who was managing the flow of applications. I went for an interview with the board chair and one of the board members.

Mr Tascona: OK. Have you spoken to anyone in the government about the appointment?

Ms Donahue: No.

Mr Tascona: No. What do you think about the placement services that they provide at the community care access centres? In North York, at the long-term-care facilities, do they have any day programs for seniors? For example, for a senior who has dementia, do they have a day program to try to work with them, as opposed to being in their house, where they're cut off? Are you familiar with any programs in North York?

Ms Donahue: Actually I know personally and not through the access centre. I know that some of the community centres in North York have day programs. I think the Fairlawn community centre actually has a program. But I wouldn't say I'm very familiar with placement programs through the community care centre.

Mr Tascona: You're not that familiar with them. What do you think about day programs for seniors as opposed to home care service where an individual may not necessarily benefit from home care?

Ms Donahue: There obviously needs to be an assessment of the person's individual needs, if there's both a cost and a care opportunity, that would be better for the person's quality of life. Again, speaking from my own experience with an aging mother, I know that one of the challenges she has is social interaction. If she's able to interact, my experience has been that that seems to be more fruitful in terms of their quality of life. So a centre where that facility is available or day services and contact with both caregivers and other people in similar situations.

Mr Tascona: Do you see yourself having a role to maybe encourage more day programs in long-term-care facilities?

Ms Donahue: I think it would be something that certainly should be taken into consideration in terms of continuity of care, if that's an element that is affordable and can reach an adequate portion of the population.

Ms Scott: Thank you for appearing here today and being willing to give back to your community. We notice that the board in North York is smaller than most of the other CCAC boards. Do you know many members and do you think the size of the board is a challenge, given, if you know them, their backgrounds?

Ms Donahue: Sorry? Do I know if the members think it's—

Ms Scott: Do you know many of the members and their backgrounds, and do you think the size of the board is a bit of a challenge, just being so small?

Ms Donahue: Yes, certainly it's a challenge.

Ms Scott: OK.

Ms Donahue: There's work to do. Some of the current challenges that the board has could be—they're looking for an executive director at the moment. There didn't appear to be a succession plan there. Finding an executive director can be very time-consuming in itself. There's some work to be done, and in progress, in improving the timing and support around financial reporting, the quality committee. So there are a number of committees that they're looking to form, and of course with three people that's difficult.

Ms Scott: Would you like to see the size increase? Do you plan on maybe looking to the future to increase the

size or applying for the government to increase the size of the board?

Ms Donahue: It's a $64-million organization and the demographics—we have about 600,000 people in North York. I think an organization supporting that size of a population would merit more than three people on the board, yes.

Ms Scott: The government has been saying that they want to look at multi-year funding arrangements. Do you see yourself being kind of a spearhead or promoting that within the community care access centre to bring forward to the government for multi-year funding?

Ms Donahue: As I understand the structure, I think that would be primarily the role of the OACCAC, taking advice from the respective boards. Again, looking at my business perspective, we do our strategic planning on a three- to five-year basis. That would obviate the need for funding plans to a certain extent on a three- to five-year basis. There are some unpredictabilities—it's a people business, but when you look at demographics, I think there is a certain amount of planning you could do, and it would certainly be helpful.

From my conversations with folks at the access centre, certainly funding takes a lot of time around planning. It uses up a lot of time just trying to predict what the funding is going to be and managing around that. So a longer horizon always helps with planning.

Ms Scott: Good luck with that. Thank you very much for appearing here today.

The Chair: We'll now ask the questions to come from the New Democratic Party.

Mr Michael Prue (Beaches-East York): Thank you for having the bravery to try to come to one of these boards. The reason I put it that way is, this is a highly political board. It never was, but in the last year or two it has been changed from a community focus to a pretty small group of elite people. Do you propose, if you are appointed, to leave it like that or try to democratize it again, or where do you see the CCAC going?

Ms Donahue: Again, it's a people business. It's a community-based business. I think some of the direction from the ministry has been, again, to focus on the community. I would credit the board, elite as they may be—I don't know. I can't speak to that, but—

Mr Prue: All two of them, yes.

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Ms Donahue: Fair enough. I would credit them for having gone to the community and chosen—I don't consider myself particularly elite—and having been open in their selection process for appointees. I think that's probably a step in the right direction, if that's seen as a challenge.

Mr Prue: Do you know whether either of the other two members—because I'm not familiar with who they are—who are on the board are community people, or were they appointed by the previous government?

Ms Donahue: The chair obviously would have been appointed by the government. I'm not sure about the previous appointment process. That may have been before the current legislation that requires appointment by the government. My understanding is I have the dubious honour of being the first person who has been interviewed. I guess that would answer the question.

Mr Prue: You talked about the appointment. The previous government, through orders in council through the Lieutenant Governor, was able to appoint the executive directors of individual boards, including the North York board. How do you see that panning out? Do you think that is an appropriate mechanism, or will you be, as a board member, trying to find your own executive director, pick the best person you think for the board? Or do you think that should be left with and vested with the cabinet?

Ms Donahue: Again, let me talk from my personal business experience. I am hired as a manager to understand the business plan and the objectives of the organization, and part of that is to set accountabilities for the people who work for me and to manage those accountabilities. There is never a clear line, and typically that may be in consultation with the person who hired me. But I've been put in place and delegated a certain amount of responsibility, so hiring is one of them. Any process can work. I think when you're hiring at an executive level the important thing is to establish what the capabilities and what the accountabilities of that position are and conduct a search process based on focusing on those capabilities. If there's some conference with those who have appointed the person to whom that person reports, that would be fine, but I would hope it would not slow down the process such that one would be at risk of losing a candidate or frustrating the process.

Mr Prue: The board currently represents or deals with some 600,000 residents of the former city of North York. There is some discussion—and I'm from East York—of folding the East York board in with the North York board. Do you have any position on that? That would make it now dealing with 725,000 people.

Ms Donahue: Yes, there has been some discussion about that, and I'm actually not sure what the status is at this stage of the game.

Again, in my experience I've gone through a number of changes in the organization in which I work—acquisitions, consolidations. If there's a reasonable gain to be had in terms of service levels, perhaps cost savings and effectiveness, then I think it's worth considering. My understanding is that part of the direction of this government is to have a certain amount of integration and consolidation. I'm not familiar with the operations of the East York centre, but I think that consolidation could certainly be something that would work, with some positive impacts on the community.

Mr Prue: In terms of money, perhaps that argument is always made, but I have to tell you, we in East York are very wary of amalgamations of any kind. They have been a total disaster across this province.

I'm wondering how, in terms of that, you see citizen participation being maintained when a community is subsumed, as this one might be.

Ms Donahue: It's a people business. I think my interaction with the staff at the North York centre, and I assume it's a model for those at other centres, suggests to me that their aim is to do the right thing for the patients and the clients. Any change is always going to encounter resistance. If one puts away personal agendas, I think one can look at a compromise that can be workable and encourage people to participate. Their participation means they have a say in the outcomes.

Mr Prue: Thank you.

The Chair: Thank you very much, Mr Prue.

The Liberal Party, any questions? No.

OK. Thank you, Ms Donahue. That concludes the interview. We thank you very much for coming today.

WILLIAM PROSPERI

Review of intended appointment, selected by official opposition party: William J. Prosperi, intended appointee as member, Legal Aid Ontario board of directors.

The Chair: Our third interview this morning is with William Prosperi, the intended appointee as a member of the board of Legal Aid Ontario. I would invite him to come forward at this time. Good morning.

As you know, you do have an opportunity, if you wish, to make an opening statement. After that, there will be questions from members of the committee. Each party will have 10 minutes allocated for questions and then we'll go in rotation. Any time that you take in your statement will be deducted from the time allotted to the government.

Welcome, Mr Prosperi. Did you wish to make an opening statement?

Mr William Prosperi: Yes, I do have an opening statement.

Good morning, Madam Chairperson and members of the committee. I thank you for allowing me the opportunity to appear before you with respect to my proposed appointment to the Legal Aid Ontario board of directors.

Prior to becoming involved in the construction business some 30 years ago and following graduation from university, I was employed as a social worker with the Sudbury and district children's aid society, followed, for a time, as a probation officer with the Ontario probation services. In both of these capacities, I had occasion to be involved with the legal aid system, and from there developed an interest.

As circumstance would have it, however, I became involved in the family construction business started by my grandfather in 1905. As anyone who has operated a business will tell you, it is an all-consuming activity and, coupled with raising a family, little quality time was left to apply myself to other activities. During my years in the construction industry, I have became familiar with and involved in labour relations, contract negotiations, the Workplace Safety and Insurance Board, occupational health and safety, and the Employment Standards Act, amongst others.

I also feel that I have developed analytical, practical decision-making and people skills over the years. I have learned to be disciplined and am able to work to meet deadlines, while still paying attention to details. Although I have no legal training, I am open to new ideas and most willing to put forth the effort to learn and to meet all challenges.

Presently, the fourth generation of our family is becoming involved in the business, which affords me the time to pursue other interests. Helping low-income and less fortunate people has always been of interest. This proposed appointment offers me the opportunity to be of assistance. Thank you.

The Chair: Thank you very much. We're going to begin with the NDP.

Mr Prue: First questions—whoever goes first usually asks these: How did you find out about this application? Did any particular person inform you?

Mr Prosperi: Yes. I have an attorney friend who knew of my interest. He saw an ad in a law journal, and he suggested to me that I might be interested in it.

Mr Prue: That attorney friend, his or her name is?

Mr Prosperi: Jim Hinds.

Mr Prue: All right. No one I'm familiar with, but that's OK. Often these positions are held out to members of political parties. Are you a member of any political party?

Mr Prosperi: No.

Mr Prue: Have you ever been?

Mr Prosperi: No, not provincially.

Mr Prue: OK. You said you had no legal training. I put that down as a bit of a plus. I have a healthy disrespect for lawyers, no offence to my friend Lorenzo Berardinetti here. But having no legal training, how do you think you are going to fit into such a legal framework? Almost everything done here is with lawyers, with complex laws, judges, regulations and rules. I'm just curious why you would think that this was a fit for you.

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Mr Prosperi: Well, I've always had this interest in legal aid, as I said in my presentation. I think there are other aspects of legal aid that involve things other than law; there's the business aspect of it, there's creating a rapport between lawyers and clients, maintaining a common sense approach to things, where lawyers may not—no disrespect to lawyers.

Mr Prue: The people who primarily use legal aid are poor, a lot of single-parent families, particularly women. They are in need of lawyers and cannot afford to pay for them. How would you, in this new position, help those people to obtain lawyers, recognizing that there seem to be dwindling amounts of funds available for such defence?

Mr Prosperi: Well, I think right now there is a process in existence. Maybe—I'm not sure because I don't know the process—it needs some fine-tuning. Maybe there are some negotiations that have to be made and discussed to try and get more funding, however they get it, to look at different avenues to help with these areas of funding.

Mr Prue: There is also the very tricky problem—some people think it's a good thing, some don't; I'd just like your view on it—of people coming to Canada, refugee claimants, new immigrants, using a lot of money from legal aid. What's your position? Is this a good thing, a bad thing?

Mr Prosperi: I think each case would have to be discussed on its merit. I'm sure there are some that are not meritorious, but I'm sure that probably most of them are. I believe that people should have the advantage of our system if they choose to make a home here.

Mr Prue: This is a position that will require some degree of time on your part. Are you presently retired?

Mr Prosperi: No, I'm not retired yet. Like I say, I'm the third generation of our company. My nephews are becoming involved. My brother's two sons are becoming involved, which allows me more time to do other things, and this is one of the things I'd like to do.

Mr Prue: The construction industry works—I know they work year-round, but the busy season is probably about seven or eight months of the year, with the others being slightly less.

Mr Prosperi: We work year-round.

Mr Prue: I know they do. I see the construction in Toronto. It goes pretty well year-round, save and except, it does appear that a number of construction workers do not always work quite as much, particularly in January and February, maybe December. What I'm asking is, do you have a busy season, and would that in any way impact upon your ability to work year-round?

Mr Prosperi: Our season is pretty steady, 12 months of the year. The way we're structured now, any responsibilities that come up, I can give them to my nephews and they can look after them. I could be there as a consultant if necessary. I don't have to be on-site or in the office. I could be away at any time of the year—a day or two days or a week, or whatever.

Mr Prue: OK. Thank you very much.

The Chair: Are there any questions from the Liberal Party? No. Then I'll go to the Conservative Party and Mr Tascona.

Mr Tascona: I just looked at a couple of companies here on your resumé. I'm just trying to find out which company you're president of. Is it W.R.—how do you say that?

Mr Prosperi: Prosperi.

Mr Tascona: So is it W.R. Prosperi?

Mr Prosperi: W.R. is another company that my brother and I formed. It's like a holding company for a little bit of real estate that we have. The actual company is called Prosperi Plastering Co Ltd, which was started by my grandfather in 1905. There's very little plastering left, because it's basically a dead art; it's mostly drywall, and this is what we do.

Mr Tascona: Do either of these companies donate to the Liberal Party?

Mr Prosperi: Yes, sir.

Mr Tascona: They do? The provincial Liberal Party?

Mr Prosperi: Yes, sir.

Mr Tascona: I just want to ask you a question, because I know they want non-lawyers on this board, and I think for obvious reasons, which may differ from my friend Mr Prue's analysis. But there was a change in the coverage, and I think the coverage is kind of significant in terms of the change. It's criminal, family law, and immigration and refugee services, and then civil and administrative law is generally delivered through community clinics. What we're seeing is a tremendous increase in applications to the Ontario Rental Housing Tribunal.

You've got a labour background somewhat in terms of your company, especially in the construction industry. What are your thoughts on that? Is it too limited in terms of the coverage being restricted to criminal, family law, and immigration and refugee services and then putting the civil and administrative burden on the clinics? Not all areas have a clinic. We don't even have a clinic in Barrie, although I think they have one up in Orillia, which tends to service the rental housing area in our area for the work before the tribunal. Do you have any thoughts on that? Because Sudbury is a fairly highly unionized area involved in some major industries, which would tend to not necessarily be restricted to criminal, family, and immigration and refugee services. Do you have any thoughts on the coverage, whether it should be expanded or how it should be better delivered? I don't know. Have you got any comments?

Mr Prosperi: I don't have any comments, because I really haven't looked at it that closely. I just kind of read the information I was given. I would think that it might be something to discuss at a board meeting if there was a need for it—

Mr Tascona: I think it's something you may want to look at, because the coverage is restricted to three main areas, and then the civil and administrative is being thrown to clinic services as a model. I'm just wondering whether they may take a different look at that, perhaps, now with the change—

Mr Prosperi: That may be an option that's viable.

Mr Tascona: I'll just leave that thought with you.

Mr Prosperi: Sure.

The Chair: Ms Scott?

Ms Scott: No, no further questions.

The Chair: OK. That concludes the interview, Mr Prosperi. We do appreciate your coming here today and we thank you very much. You may now step down.

MARILYN MUSHINSKI

Review of intended appointment, selected by government and third party: Marilyn Mushinski, intended appointee as member, Social Benefits Tribunal.

The Chair: Our fourth and final interview this morning is with Marilyn Mushinski, the intended appointee as a member, Social Benefits Tribunal. I would invite Ms Mushinski to come forward.

Ms Marilyn Mushinski: Good morning.

The Chair: Good morning. As you know, you do have an opportunity to make an initial statement. Follow-

ing that, there will be questions from all members of the committee. Each party will have 10 minutes for questions. We'll go in rotation, and any time that you take in your statement will be deducted from the time allotted to the government party. Welcome, Ms Mushinski.

Ms Mushinski: Thank you very much, Madam Chair. Nice to see you this morning.

First of all, I want to thank the committee for this opportunity to address you this morning. I consider it a particular privilege to appear before such a distinguished panel and to be considered for the Social Benefits Tribunal.

My reasons for applying for this position are simple: I understand that the tribunal considers appeals to decisions made by the Ministry of Community, Family and Children's Services. I also understand that you need to have representatives who are fair and objective, who can work independently, conduct extensive research and are experienced in writing decisions. I believe I have the qualifications that meet these requirements.

I've served my community for over 20 years at the political level, first as an alderman and councillor and then as an MPP. In fact, for six years I served on council with one of the members of this committee, Mr Berardinetti. It's nice to see him here this morning.

As a councillor, I presided over numerous committees and also sat on Metro council. I represented the riding of Scarborough Centre from 1995 to 2003, having served as Minister of Citizenship, Culture and Recreation, parliamentary assistant to the Premier, responsible for voluntarism, and also parliamentary assistant to the Minister of Training, Colleges and Universities.

1100

Prior to being elected, I was an active volunteer in the community. I founded my own ratepayers' association, and I was a founding member of the Scarborough Women's Centre and the Scarborough Historical Museums board. I was also a member of the Scarborough General Hospital board of governors for nine years, and in my spare time I taught English as a second language.

I am a graduate of York University, with a degree in economics. I possess a strong work ethic and have an even stronger desire to continue to serve my community. I would be greatly honoured to be appointed to the Social Benefits Tribunal and will be happy to answer your questions. Thank you.

The Chair: Thank you very much, Ms Mushinski. I would ask the Liberal Party if they have any questions.

Mr Parsons: Just a question for the record: Are you a member of any organized political party?

Ms Mushinski: Yes, I am, but I want to assure you, Mr Parsons, that will in no way affect my objectivity if I serve on this tribunal. I appreciate that I would have to resign any membership to a political party.

Mr Parsons: No further questions.

The Chair: The PC party?

Mr Tascona: I want to thank you, Marilyn. It's good to see you again.

Ms Mushinski: You too, Joe. Thanks.

Mr Tascona: I hope everything is well.

Ms Mushinski: Everything is great.

Mr Tascona: I just noticed on your resumé that you're a board member of the Toronto Raptors Foundation.

Ms Mushinski: Yes.

Mr Tascona: Have you got any opinion on their new general manager?

Ms Mushinski: No, I have no opinion.

Mr Tascona: Having served with you, I think you're an excellent choice for this, especially in this particular area, the Social Benefits Tribunal, and the work that you did not only on council but within your community, and also the time you served with the provincial government. So I heartily support your being selected. I thank you for coming here today.

Ms Mushinski: Thank you, Mr Tascona. I appreciate that.

The Chair: The New Democratic Party, any questions?

Mr Prue: Oh, absolutely. It's good to see you back in this room.

Ms Mushinski: Thank you. It seems to be bigger than when I was sitting over there. Have they redesigned the room?

The Chair: Different desks.

Mr Prue: But it's still as warm as ever in the summertime.

Ms Mushinski: It is, yes. I noticed the air conditioning works just as well.

Mr Prue: The questions I have are obvious. I don't think there can be any doubt that you have the skills and abilities necessary to do the job, but I find it perhaps a little strange that you would want to apply for it. The reason I'm putting it this way is that you were part of a government that, first of all, slashed welfare rates hugely in 1995, and now you're going to sit in judgment of those very same people. Can you tell me why you think this is a proper mix?

Ms Mushinski: Clearly, any government has the right to set policy, and I don't believe, as a member of the tribunal, it would be in my position to make any comment about any government's policy. As an applicant to this position, I would be here to clearly interpret the law and apply it fairly and judiciously. I certainly appreciate the fact that having served a very diverse community for 21 years, I understand what the challenges are in the community, and most certainly I believe that I have the experience and the ability to interpret the law as it stands. It would not be in my position to comment, nor indeed should it be in my position to make any comment, about government policy.

Mr Prue: There are some who would say that your government, or the government of which you were previously a part, was very uncaring toward the poor. How would you answer that in terms of whether or not you would be fair to a person who is poor, perhaps uneducated, down on their luck, that kind of stuff?

Ms Mushinski: Once again, I don't believe any political party has a monopoly on deciding who cares for

the poor and who doesn't. I think every elected official in this room cares for improving the health and welfare of their constituents. But having said that, it would not be my position to judge or comment on any policy. I believe that I'm an extremely fair person, that I'm an extremely objective person. I was a firm believer in the adage that you see in the House, which is, "To hear the other side." In terms of my own track record for caring for my community, I believe it will stand up to scrutiny on behalf of every member of this committee, who I know all ran for election for the same reason, which was because they care for their community.

Mr Prue: This is a quasi-judicial tribunal, which I guess would not be so fearful to most people, but it might be fearful to those with very limited education, whose first language may not be English, who might be new immigrants. How do you see your role in this particular regard? What would you do as a board member?

Ms Mushinski: I appreciate that it can be very daunting going before any quasi-judicial body. I appreciate that there will be many people who come before the tribunal who will feel quite nervous. I'm sure that former councillor Berardinetti, who sat on council with me through some very tumultuous years on Scarborough council, will attest to the fact that having chaired the planning committee for three years, we had a lot of people who were very nervous about coming before committee to speak about quasi-judicial issues. I think my record speaks for itself, that I did everything possible to put those people at ease. That's my style, and I certainly can't see that changing as a member of this tribunal.

Mr Prue: Although the number of welfare cases in Ontario has declined, the incidence of poverty in Ontario has skyrocketed. The United Way, in its report that came out earlier this year, pinpointed that poverty rates in Toronto have just gone up exponentially in the last number of years. Do you see a tie-in at all between welfare, ODSP rates and poverty?

Ms Mushinski: As I said earlier, I don't believe that, in applying for this position, I should be commenting on the policies that are set by the government. Having said that, I do recognize that many people who will be coming before the tribunal will be highly marginalized. It would certainly be incumbent upon me as a member to be very sensitive to the needs of the individuals who come before the tribunal. Once again, I can assure you that I will be extremely fair in any decisions I make regarding the individuals who come before me.

Mr Prue: These marginalized people are oftentimes unrepresented by professional counsel. What would you do to assist them in what would be a very difficult circumstance, where you would have someone presenting the government's side, someone who may appear to be opposed to them? It is an adversarial system. What would you do to assist them if they were unrepresented?

Ms Mushinski: I can certainly appreciate that. Alluding back to our former days in Scarborough, there were many who were unrepresented and felt quite nervous about that. I think it is important and incumbent upon any member to be sensitive to the needs of the individual and to make sure they are put at ease.

1110

I understand there is a considerable amount of training that is involved with this particular position, anywhere from six to eight weeks. I'm sure that part of that training will make sure that members do develop the sensitivity to ensure that, as people come before the tribunal, they are put at ease and made to feel that they're going to get a fair hearing. You have my assurance of that too, Mr Prue.

Mr Prue: I know that in the tenant review process, many tenants go before that and do not feel that the process is fair. You probably were aware of those comments while you were a government member. Do you see any way of making sure that you do not fall into that same sort of, let's say, position, where justice must not only be done but must be seen to be done?

Ms Mushinski: Absolutely.

Mr Prue: I can tell you, a great many tenants don't feel they are receiving justice in the tenant review. I want to make sure that welfare claimants would feel they have more faith in the system. I just want to know what you would do to make sure you don't fall into the same trap as the tenant review.

The Chair: The time is almost finished, so this will be the last response.

Ms Mushinski: Thank you, Madam Chair.

I can assure you, Mr Prue, through you, Madam Chair, that I will do everything in my power to make sure that the individuals who appear before me are put at ease and feel, certainly, that they receive full and fair treatment.

Again, I would suggest to you that I think I have a pretty strong track record of being able to represent myself in a fair and objective manner. You have my assurances that that would continue if selected for this tribunal.

Mr Prue: Thank you very much.

The Chair: Thank you very much, Mrs Mushinski. That concludes the time that we've allocated for the interview, and we thank you very much for coming. Now you may step down.

Ms Mushinski: Thank you very much.

The Chair: OK. We've now completed the interviews for the morning, and so we'll take a look at our intended appointees, beginning with the consideration of the intended appointment of Robert Shirley, the intended appointee as member, Town of Mono Police Services Board.

Mr Parsons: I would move concurrence.

The Chair: Mr Parsons has moved concurrence in the appointment. Any discussion?

All in favour? Opposed? The motion is carried.

We will now consider the intended appointment of Monica Donahue, intended appointee as member, North York Community Care Access Centre board of directors.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion?

All in favour? Opposed? The motion is carried.

We will now consider the intended appointment of William Prosperi, intended appointee as member, board of Legal Aid Ontario.

Mr Parsons: Again, I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion?

All in favour? Opposed? The motion is carried.

We will now consider the intended appointment of Marilyn Mushinski, intended appointee as member, Social Benefits Tribunal.

Mr Parsons: I'm pleased to move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion?

All in favour? Opposed? The motion is carried.

That takes us to a piece of business deferred from the meeting of June 2, 2004, and that is the committee's consideration of the intended appointment of Barbara Sullivan as chair of the Health Professions Regulatory Advisory Council, which was deferred for seven days. Is there a motion for concurrence?

Mr Parsons: Yes, definitely.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Is there any discussion?

All in favour? Opposed? The motion is carried.

Is there any further discussion? No?

The meeting is adjourned until June 16, 2004. Thank you very much.

The committee adjourned at 1115.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 16 June 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 16 juin 2004

The committee met at 0935 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mrs Elizabeth Witmer): I would like to call this meeting to order. Our first order of business is the report of the subcommittee on committee business dated Thursday, June 10, 2004.

Mr Ernie Parsons (Prince Edward-Hastings): I would move adoption.

The Chair: Is there any discussion? If not, all in favour? Opposed? The motion is carried.

COMMITTEE BUSINESS

The Chair: I'd now like to deal with the extension of deadlines. Pursuant to standing order 106(e)(11), unanimous consent is required by the committee to extend the 30-day deadline for consideration of the following intended appointees: Gerald Stephenson, intended appointee to the Ontario Pesticides Advisory Committee; Helena Guenther, intended appointee to the Elgin Community Care Access Centre board of directors; and David L. Knight, intended appointee to the Ontario Securities Commission. Do we have unanimous consent to extend the deadline until August 31, 2004? All right.

So as we discussed last week, the committee will not be sitting in July, but we would hope to take a look at the numbers we have and come to some agreement about an August date.

INTENDED APPOINTMENTS

JAMES ATTWOOD

Review of intended appointment, selected by official opposition party: James Attwood, intended appointee as member, Midland Police Services Board.

The Chair: We'll now move to the appointments review and our first interview, which is with James Attwood, the intended appointee as member, town of Midland Police Services Board. I would ask Mr Attwood to come forward. Good morning.

Mr James Attwood: Good morning.

The Chair: As you may be aware, Mr Attwood, you do have an opportunity, if you choose, to make an initial statement and, subsequent to that, there are going to be questions from members of the committee.

At our last appointment review, we started questioning with the Liberal Party. Today we will start with the Progressive Conservative Party. Each party will have 10 minutes. We will go in rotation and, as is the practice of this committee, if you take time for a statement, Mr Attwood, that time will be deducted from the time allotted to the government party. So you may proceed. Welcome.

Mr Attwood: I'd like to begin by thanking the members of the committee for allowing me to meet with you today.

I reside in Midland with my wife, Louise, and our youngest daughter Megan, who is 13. I have two adult children from my first marriage, to whom I had the honour of being a single father for seven years. I have been a resident of Midland since I arrived there with my parents in 1963. In the ensuing 41 years, the Attwood family has grown and expanded, just as the town has. We are teachers, conservationists, business people and, in my case, a health care professional.

My nursing career began in June 1972 and was supposed to end with my retirement almost three decades later in November 2001. My first 17 years were spent at the Penetanguishene Mental Health Centre, Oak Ridge division, which is the only maximum security hospital in the province. By the time I transferred to other duties in 1989, I had had the privilege, along with other nursing staff, of implementing unified nursing into an environment that for years had been almost strictly custodial.

0940

The next 12 years were just as rewarding, as I came in on the ground floor, so to speak, of outpatient psychiatry. We set up community-based programs, the focus of which was to keep people out of hospital. This was later expanded to include individuals who had been found not criminally responsible for a crime due to mental illness.

Once these patients had been treated for a period of time and were deemed by the review board to be suitable to return to the community, my work began. My job was twofold: to ensure public safety through frequent monitoring and to provide support to the individual and his family while he readjusted to expanded freedom in his home community. To accomplish this, daily travel was required throughout central Ontario. The patient's case was reviewed monthly by the clinical team and annually by the review board, which could add or remove restrictions on these individuals.

Given the type of patient, there were occasional setbacks that required the assistance of the police in returning someone to hospital. Though these circumstances were unfortunate, it was always a pleasure to watch the professionalism of these men and women when handling a disturbed client.

At the present time, I am employed part-time with emergency crisis at Royal Victoria Hospital in Barrie, which by the very nature of the work brings me in frequent contact with officers bringing people to hospital under the Mental Health Act. I continue to work in my chosen profession as a result of the current nursing shortage and my own inability to walk away from a job I love.

I have recently been re-elected to the council at the College of Nurses of Ontario, where I work closely with the public members appointed by this body to ensure that the quality of nursing care in Ontario is second to none. At present, I am a discipline panel chairman within that organization.

I am also a former councillor of the town of Midland, having served three terms from 1994 until 2003. While I have many pleasant memories of the various committees I was part of, none was as rewarding as the time spent as council's appointee to the Midland Police Services Board from January 1999 until December 2001.

An avid outdoors person, I am the treasurer and bulletin editor of the Georgian Bay Hunters and Anglers. I have been a member of the executive of this club for over 25 years. We are a conservation club with an 80-year history in the Midland area and are several years older than our affiliate, the Ontario Federation of Anglers and Hunters. We, as members, with the assistance of the Ministry of Natural Resources, are directly responsible for a 20-year walleye restocking program that has resulted in the return of this sports fish to the waters of Severn Sound. We are also involved in Pitch-In, the Wye Marsh projects and various other fundraising ventures to support our work. We have funded and supplied volunteers for the development of a youth organization that teaches interested young people about the great outdoors.

Midland, as our mayor likes to remind anyone who will listen, is a great place to live, work and play. It is a town that has grown under good leadership in the decade since I first came to town. Our police force does an excellent job of keeping it that way.

I hope from this presentation the committee realizes that through my career choices, both political and professional, I take great pride in looking after and being a part of both the community of Midland and the lives of those residents of Ontario with whom I've come in contact. I would bring the same enthusiasm to my duties as a board member, if appointed.

The Chair: Thank you very much. We'll now start with the Progressive Conservative Party.

Mr John Yakabuski (Renfrew-Nipissing-Pembroke): Thank you very much for coming this morning, Mr Attwood. We certainly appreciate that.

Looking at your resumé and your record, I certainly have no qualms about your appointment. I presume that some of the prerequisite questions we ask as members of this committee—while I don't think that it's a negative for myself personally, because I believe people who are involved politically clearly indicate that they have a great interest in their community, regardless of what side of the fence they're involved in. I think it indicates an interest in the community. But I do need to ask if you were approached by any member of a political party about this appointment and/or if you approached any members of a political party in seeking this appointment.

Mr Attwood: I can answer that in a roundabout way, sir. I applied for the council appointee position when I knew a vacancy was coming due. I wasn't successful there, so I approach Mr Paul Sloan, who was the Liberal candidate in our riding, and asked him how I go about doing it. He supplied me with the information. I got the application papers and I filed them myself.

Mr Yakabuski: I'm glad you did because, personally, I think you'll make a good appointee. I'm looking at your resumé and your service on town council, your choice of careers and your personal background. I think you will make a good appointment. I'm not quite sure why I was asked to question you this morning, but I certainly have no problem with your appointment.

The Chair: The NDP?

Ms Andrea Horwath (Hamilton East): I have no questions for the applicant. I think he's got an excellent resumé and excellent experience, having been on the board. I look forward to his bringing some insights to the police services board in Midland.

The Chair: The government?

Ms Monique M. Smith (Nipissing): Mr Attwood, I just wanted take the opportunity to thank you for coming. As parliamentary assistant for health and long-term care, I wanted to thank you for not walking away from what you love. I appreciate your continuing work on the crisis intervention team and all the good work you are doing in mental health. It's so important. I just wanted to say thank you for that. Keep up the good work.

The Chair: Well, that was quite painless. We do appreciate that you did take the time to come. I would have to add my comments. You certainly have an impressive resumé and we really appreciate your willingness to serve your community in this way. Thank you very much for being here.

CATHERINE ANNE NOVICK

Review of intended appointment, selected by third party: Catherine Anne Novick, intended appointee as member, North York Community Care Access Centre board of directors.

The Chair: That allows us then to take a look at our second interview. That is with Catherine Anne Novick, the intended appointee as member of the North York Community Care Access Centre board of directors.

You may come forward. As you may be aware, Ms Novick, you have the opportunity, should you choose to do so, to make an initial statement. Then there will be

questions from the committee. Each party will have 10 minutes and we will go in rotation. Any time that you take in your statement will be deducted from the government party. We welcome you this morning.

Ms Catherine Anne Novick: Good morning, Madam Chair and distinguished committee members. I appreciate the opportunity to be here today, and I'm pleased to be able to discuss my nomination for appointment to the board of the North York Community Care Access Centre and to answer any questions you may have. My comments will be brief.

In May 2003, I responded to a newspaper advertisement seeking members for the board of the North York Community Care Access Centre. A background in finance was one of the skills identified in that advertisement. As I have lived in North York for most of my life, I was looking for a way that I could volunteer to help in the community. I am a chartered accountant with over 25 years of experience in financial services, particularly in the life and health insurance industry. As well, I have some personal experience in understanding the needs of people, particularly seniors, for care in the home.

With my background experience, I thought I could assist the North York Community Care Access Centre. I interviewed for a position on the board and last summer I was advised that I would be nominated, subject to government confirmation. Since August 2003, I have been actively involved informally in the activities of the community care access centre. I have attended meetings and I have also helped to establish an audit and risk committee of the board for that care centre.

I have enjoyed the experience over the past year since the initial interview process for this appointment began and have learned a lot. I believe I have made a contribution to the goals of the access centre during that time.

I think you have a copy of my resumé and my background in financial services and other activities. I did receive a number of possible questions that the committee might have that were provided to me as part of a briefing package prior to this meeting. I would be pleased to provide any comments on any or all of these questions, or any other questions this committee may have.

The Chair: Thank you very much. We will begin with the NDP.

Ms Horwath: I'm just looking through your resumé and hearing your comments. Welcome, by the way, to the interview today. Ms Novick, can you tell me what experience you have in the community in dealing with people who are vulnerable or people who are perhaps in need of the services provided by a community care access centre?

Ms Novick: Probably the one closest to home is a family situation. My father had a stroke when he was 60 and was able to live at home for the next 13 years, before he died a few years ago. During that time, I came into a great amount of contact with the health care community. I learned how important it was for both family and the individual to be self-sufficient. In fact, he was able to maintain an independent lifestyle for over 13 years. So actively living that for 13 years is probably the biggest cause for what I came to understand in a very personal way.

0950

Since then, I've also worked with many other seniors, more one on one, I would say, than as a community representative. It's through that personal experience that, personally, I feel that there's a great opportunity for maintaining people in their home environment and providing them the support and dignity, rather than institutionalizing the individual. So it's more about, I think, a personal championing for the cause that I would—

Ms Horwath: Your résumé doesn't indicate any particular volunteer work that you've done with other organizations or agencies in your community. Do you have any particular organizations, agencies or groups that you've worked with in the community as a volunteer?

Ms Novick: The one that was probably a little longer ago was something called the Museum for Textiles. It was an arts-based organization that I had helped for several years. I'm not sure if that's included on the résumé or not. That was several years ago.

Since then, I guess I've been very actively involved in corporate life. You get to a point in a corporate role when it's time to give back to the community. So I was seeking something that I could contribute to the community. The advertisement was really what triggered that, together with my personal experience.

Other things that I have done are more professional, in terms of working with the Canadian Institute of Chartered Accountants, the Ontario Institute of Chartered Accountants. I've sat on many committees, principally technically based and auditing.

This is new for me. I guess, as well, it's been a year now that I've actively been involved with this committee, as opposed to having no involvement. It has been, I guess, a very full year. It's hard to describe, sitting here today, having been actively involved with this organization for the last year. Through that time, I've come to learn—I've met the people. I can understand some of the challenges of this kind of corporation, even this appointment process, which has taken over a year. We're sitting now with an executive director who retired a year ago, and we're trying to live in an interim fashion while the next executive director is appointed. So we've been working through some challenges, even as I sit here today, in this organization.

I've been through the budget process. I understand what it takes to make choices in this organization, whom to give care to, whom not to give care. If funding is fixed, then you do have to create a wait-list and create a choice. So I've been working actively for the last year and, I think, providing some help and assistance to this organization.

Ms Horwath: Can I just ask, finally, the question that I have with regard to the budget, particularly, of the organization? You're indicating that because the budgets are so tight, you need to make choices about whom to provide care to or not. Could you tell me whether you

think the budgets for the CCAC are adequate to provide the necessary service to vulnerable people in your community?

Ms Novick: I think the community of North York is actually a growing community, and the budget is very much a model based on existing costs plus inflation. If you've got a growing community, you can't continue to service in the same way if, in fact, some of the increases have been less than inflation. I think it's been a good move on the part of the government in the last budget to increase funding for community care. I'm quite interested to see how that funding will be disbursed. I think a demographic approach would bear some looking at.

I think, for this community, clearly the funding is less than adequate to maintain the kind of services it has, because it's growing in terms of age. We have the largest population of seniors in North York. The percentage is higher, I think, than any other community care region, as far as I understand the demographics and how these access centres have been grouped. There are some real challenges for North York. I can't speak to the whole system. I suspect there are similar challenges elsewhere.

I think the other funding that was important last year was the SARS. That was a huge issue. A lot of extra service had to be provided. In fact, North York did gain some extra funding because of SARS. That really got them through.

Ms Horwath: Thank you. Those are my questions.

The Chair: The Liberal Party, any questions?

Mr Parsons: No questions. Thank you for applying.

The Chair: Mr Yakabuski, did you have any questions?

Mr Yakabuski: I have no questions other than to also thank you for coming in today. It's clear that you have a strong interest in it, that you support what's being done in community care access centres and recognize the vital role they play.

The Chair: Thank you very much, Ms Novick. We wish you well, and we appreciate your taking the time to come here today.

Ms Novick: Thank you for the opportunity.

The Chair: Is Mr Philip Olsson here? No. We're running early. I wonder if we could adjourn and reconvene at 10:30, because I think what's going to happen is—yes, Ms Smith?

Ms Smith: When I saw that we were 15 minutes early after the first one, I asked whether or not we could call. They advised me that every expected guest is asked to come half an hour before their time, so I don't know that we need to adjourn until 10:30.

The Chair: It's just that if we run through him as quickly as we've run through the first two, which have taken us about 15 minutes to do—

Ms Smith: We're all so amenable this morning.

Mr Michael Gravelle (Thunder Bay-Superior North): We're doing so well.

The Chair: We're doing so well. That's the only reason. It just means that we probably are going to have to wait for somebody else if we start any earlier.

Mr Parsons: Is there anyone else here?

The Chair: I don't think so. We have Mr Kaiser and Mr Mullins, so we have someone scheduled for 11 and 11:30. The earliest the 11:30 one would be expected to be here would be 11 o'clock. That's why I'm suggesting that if we continue to move as quickly as we have, we'll be moving quickly.

Mr Parsons: This would infer we're perhaps calling people we don't need to.

The Chair: Let's do 10:30, and then at least it gives you a chance to do something.

Mr Yakabuski: I have a school coming at 12 o'clock.

The Chair: We'll be finished long before that. OK, we'll come back at 10:30.

The committee recessed from 0955 to 1035.

PHILIP OLSSON

Review of intended appointment, selected by official opposition party: Philip Olsson, intended appointee as member and vice-chair, Liquor Control Board of Ontario.

The Chair: Thank you very much, Mr Olsson, for being here. This is the intended appointee as member and vice-chair of the Liquor Control Board of Ontario, Mr Philip Olsson. Mr Olsson, as you probably know, you have an opportunity to make an initial statement. If you choose to do so, that time will be deducted from the time allotted to the government party, and then there will be questions from each one of the parties. At this point in time, I would invite you to make a statement, if you have one.

Mr Philip Olsson: Thank you for this opportunity to appear. I do have a brief statement. The committee will have seen my CV, and I would be pleased to amplify any aspect of my background.

In this brief statement, I would like to cover three topics: my qualifications as they specifically apply to this appointment, how my proposed appointment came about and disclosure of my political activities.

To briefly review my qualifications, I have spent over 27 years in the financial industry, as a commercial banker, an investment banker, a merchant banker, a venture capitalist and a private client investment manager. I am now a partner in a firm which manages about $235 million for individual clients.

Throughout my career investing has been my passion. My outlook is that of an investor, as a shareholder or potential shareholder. I evaluate managements on their ability to generate returns on the capital they employ and in many cases have worked with them to improve those returns.

My business experience has taught me the importance of careful, informed oversight of enterprises which presume to employ the capital of shareholders, whether those shareholders are individuals, institutions or governments. This oversight, which is referred to these days as corporate governance, is the responsibility of an organization's board members. I bring considerable experience in this area. Over the past 20 years, I have served as a

director of 10 significant for-profit enterprises. I have served as chair of boards, audit committees and compensation committees. In my career as an investment banker, latterly as vice-chairman of RBC Dominion Securities, I was responsible for many relationships with chairs, CEOs and boards of directors. I was also responsible from time to time for advising governments, both provincial and national, in those governments' roles as shareholders of significant commercial enterprises. That's the dollars and cents side of my story.

1040

The other aspect of my experience I would like to discuss is a lifelong commitment to community service. I have served as a board member in a number of non-profit organizations, as detailed in my CV. I have raised money for essentially all of those organizations—that seems to be my calling in life—and in most cases I have taken a board position to ensure that the money raised is prudently spent.

In summary, I believe I am fully prepared to contribute fully to the work of the LCBO as a board member. I have already undertaken and completed considerable background research from public sources to ensure that, if appointed, I would be in the best position to discharge this important responsibility.

While I believe that the first obligation of any board member is to oversee the prudent use of resources, it is not the only obligation. I believe that all enterprises, whether commercial or non-profit, have an obligation to the larger public good and to ensure the highest ethical standards. This is particularly true, of course, in the case of the Liquor Control Board of Ontario, which has a mandate that goes beyond the purely commercial.

In reading Hansard, I note that prospective employees are often asked how they came to be proposed. In my case, I applied specifically for this position. In January of this year, a representative of Management Board suggested that I file my qualifications with the Public Appointments Secretariat, as qualified candidates were needed to fill many unfilled positions. In considering this suggestion, I reviewed the list of government agencies and concluded that the LCBO represented a confluence of qualifications and personal interest. I have spoken of my qualifications. The personal interest is a lifelong interest in wine—not only the drinking of it but the commercial and cultural aspects of wine. I could go into greater detail, but I will merely present as evidence of my serious interest in this area the fact that my wife and I only recently returned from a wine tour of Burgundy and Champagne during which we visited some 12 producers, large and small. So I saw the LCBO as a place which would sustain my intellectual curiosity while utilizing my qualifications, and accordingly I specifically registered my interest in this agency.

I also note from Hansard that political affiliations have been of interest to members of the committee. To quote one member who isn't present today, at least at the moment, "We're always looking for the person who's some sort of political hack," although I was encouraged to read the subsequent qualification that "it's patronage that is intermixed with gross incompetence that's repugnant." Hopefully the committee now has enough information to assess my competence.

I would now like to take a moment to fully disclose my political activities. I have been a member of the provincial and federal Liberal Parties for many years and have contributed to and raised money for both organizations and for riding associations, as I have for many other non-profit organizations. This is consistent with the values instilled by my family. These included the positive obligation to actively involve oneself in community and civic service, including active involvement in the political process through the party of one's choice.

So I found it difficult to say no when in 1997 the new leader of the Ontario Liberal Party, now the Premier, asked me to assume responsibility for fundraising for the party. I undertook this task with the systematic approach I employ in all business and non-profit endeavours. I gathered the facts, assessed the party's strengths and weaknesses in fundraising and recruited a core group to collaborate in developing a strategy. I then undertook a program to persuade the party executive, and ultimately the party as a whole, to endorse necessary organizational changes and investment to create a modern, effective fundraising organization. At each step of the way, I took great care to ensure that the highest ethical standards were observed and that conflicts of interest were avoided.

Although I would not represent myself as non-partisan in provincial or federal politics, it may be of interest that I was a member of the fundraising committee for the John Tory mayoralty campaign. I was not asked; I phoned up and volunteered. I was well aware of Mr Tory's PC affiliations, but I felt he was the best candidate and wished to actively support him.

I am proud of my involvement in the political process. I feel it's an obligation of every citizen and I feel that this aspect of my experience in fact enhances my qualifications for this position. However, I recognize the possibility of the appearance of conflict of interest should my appointment to the LCBO be approved and, accordingly, I have resigned as chair of the Ontario Liberal Fund, effective today, and I've tabled a copy of the letter with the Public Appointments Secretariat.

This concludes my statement, Madam Chair.

The Chair: Thank you very much, Mr Olsson, for the statement. I would ask the Liberal Party if they have any questions.

Mr Parsons: Very impressive. We have no questions.

The Chair: I can understand that.

Interjection.

The Chair: No, I can understand the "impressive" part.

Mr Yakabuski: We all appreciate that clarification, I'm sure. Thank you for joining us today. I was not surprised, either. Clearly, you've indicated your long-term association with the Liberal Party. Notwithstanding the comments of another member of the committee about what that person found repugnant—if it was mixed with

gross incompetence—we can certainly write that one off, because there's no question that we don't question your competence here. That's not the issue here at all.

But I do have some concerns with regard to the political appointment as vice-chair, because we recently had the chair of Ontario Place replaced. That was an appointment scheduled to last until 2006, and the chair was replaced clearly for political reasons and for the new government to put their stamp on the facility. I guess one of the concerns I have is whether we are going to be seeing a repeat now, with you being appointed as vice-chair. You would be sort of the government's candidate-in-waiting, so to speak, to be chair, should they make a political decision and replace Mr Brandt who, by all measures, has been doing a very good job with the LCBO.

So that's a concern I have. Have you had a discussion with the political master, so to speak, in that regard?

Mr Olsson: I initially indicated my interest, when I sent in my application, in being chair of the LCBO. I would regretfully report that I had not at that time read the legislation, which specifies that the chair be a full-time employee, which is not something I would contemplate at this moment. Other than that, there has been no discussion.

I don't believe my appointment as vice-chair is a chair-in-waiting position. I feel that I can be very effective as a board member, and I would second your observation that, since Mr Brandt was appointed in 1990, the board has made great progress, at least in consumer satisfaction.

Mr Yakabuski: So we'd confirm that at this time, you have no interest in being chair of the LCBO?

Mr Olsson: Well, I haven't been asked so I haven't seriously considered it. But it's not my understanding.

1050

Mr Yakabuski: OK. I just want to read something here—a quote from Minister Sorbara—and I'd like to ask you what you believe that means for the LCBO:

"We are going to undertake a thorough review of major provincial assets, to evaluate the appropriate role of each asset and to ensure effective and efficient management.

"That review will include the Liquor Control Board of Ontario ... the world's largest distributor of beverage alcohol. Our purpose will be to determine if Ontarians are receiving the maximum benefit from this very significant crown agency.

"But let me be clear. We will not sell the LCBO, nor will we sell TVOntario to pay for the ongoing operation of government. We're not looking to sell anything.

"It is possible that our review may identify assets that are not providing enough ongoing value to Ontarians, but would, if sold, generate substantial revenues that could be used to increase efficiency and promote economic growth.

"In that case, we would explore a potential sale on the basis that any revenues generated would be used for the change fund."

Could you comment as to how you interpret Mr Sorbara's quote with regard to the LCBO?

Mr Olsson: I understand that the government's position—I'm very clear on the fact that it's not proposed to be privatized, and that's not in the cards.

As I mentioned earlier, I think the LCBO is to be admired for its progress in consumer satisfaction and service over the last 13 years. I think some reasonable questions could be asked about its financial performance, and have been asked by people and the public record. I haven't discussed it with the minister, but I would assume that it's the financial performance of the LCBO that he intends to review.

Mr Yakabuski: So the door is not closed, though? His quote certainly doesn't close the door. As a matter of fact, it's pretty ambiguous in many ways.

Mr Olsson: I'm only reporting to you my understanding. Privatization is a sale, and sales are done by shareholders; they're not done by management or boards. I'm only here today in my capacity as a potential nominee to the board. I have no view as to what the government's intentions may be other than that, as clearly stated by Mr Sorbara, it will not be privatized.

Mr Yakabuski: One other question: I represent a rural riding. We have in my riding a situation, as would anybody else who is in a rural riding, where we have what they call agency stores. Some people believe that agency stores represent privatization, and they oppose these types of stores. What role do you see these stores playing in the future, and do you see the LCBO proceeding with the expansion of agency store operations? I've heard conflicting comments as to where they might be going under this new government.

Mr Olsson: To be honest, I've read the LCBO's published comments about agency stores and I'm not clear myself. So I would defer an answer to that until I become a board member.

I do, however, recognize that it's a significant issue for people in rural areas. In fact, we are relocating our permanent residence next month to Caledon between Orangeville and Erin. It's interesting to note that Erin has an LCBO store, whereas Hillsburgh, which is a very fast-growing community down the road, has an agency store. It intrigued me, before I ever considered this opportunity, that it would be interesting to find out how these decisions are made. But I can't answer your question today.

Mr Yakabuski: You did comment about how you were very pleased with the improvement in service during Mr Brandt's tenure. I think a component of that improved service certainly has been, for rural people, agency stores. So I thought it would be appropriate that you might have a viewpoint on that, but I understand that you haven't had a chance to examine the whole file carefully at this point.

The Chair: Thank you, Mr Yakabuski. We have just a few minutes, Mr Arnott.

Mr Ted Arnott (Waterloo-Wellington): Thank you, Mr Olsson, for answering our questions. We appreciate

your interest in serving the people of Ontario in this new capacity.

I'm quite familiar with the communities of Erin and Hillsburgh that you mentioned. I was privileged to represent those communities for nine years, from 1990 to 1999. Like Mr Yakabuski, I think it's a positive development that these agency stores have been established. I've received very few, if any, complaints from constituents when an agency store has been established. I think the service to those local communities that previously had not really had an LCBO store in the confines of the community has been considerably enhanced.

When a provincial government is facing a fiscal challenge, as you can well appreciate, there is pressure put on all aspects of the government's operations to find money, save money, maximize revenue. Yet at the same time the LCBO has an important role in Ontario to be concerned about the social impact of the consumption of alcohol. These two impulses can come into direct conflict, I suggest, at times.

How do you see the LCBO in the next two or three years, moving forward, if the expectation on the part of the government is to maximize revenue, hence maximizing profit going back to the government, while at the same time maintaining its important role to ensure that the sale of beverage alcohol is controlled in the public interest?

Mr Olsson: Number one, I recognize, and I tried to recognize in my statement, that the importance of conceiving of one's role as a board member of the LCBO is not only supervision of the commercial enterprise but also paying careful attention to public policy issues, and that is a particular interest. So the first and simplest answer to your question would be that I would always strive to take that into account.

I think some steps have already been taken, though, because the ministry which the LCBO now reports to, economic development and trade, is separate from the ministry that oversees the licensing organization, the Ontario Alcohol and Gaming Commission, and I think that's a positive development. It's always an uncomfortable relationship when the same party is responsible for selling and limiting the sale of a substance.

Ms Horwath: Mr Olsson, you mentioned in your comments a recent trip where you were sampling wines. I believe it was in France. I'm wondering if you have any opinions or ideas about the way the LCBO has been able to promote Ontario wines and how we might be able to continue to do that.

Mr Olsson: I recognize that this has been a major initiative by the LCBO, and I fully support it. In fact, it was my privilege to be a board member of the Shaw Festival for five years and it was, and still is, the festival's policy to serve nothing but Ontario wines. What their position is on Prince Edward county wines, I can't say. But it did bring me into frequent contact with winery owners, chances to visit wineries and whatnot. I'm very impressed with the progress that's being made with the cold-weather viniculture efforts we have in Ontario. I believe the LCBO does have an important role to continue to develop the economic potential of the Ontario winery.

It seems to me they've made a significant effort. It would be interesting to learn if people feel there are other efforts that could be made that would be consistent with their broader mandate as a consumer organization. I can't really say more than that today, other than I recognize and share your apparent concern for that part of the role.

Ms Horwath: I'm going to switch tracks and talk to you a little bit about the environmental responsibility of the LCBO with regard to recycling programs. You probably know that there are funding transfers to municipalities that occur in that regard. There has also been discussion about the possibility of deposit returns and those kinds of things. Could you talk a little bit about where you see the LCBO going in the future with regard to the recycling of containers?

Mr Olsson: As you're pointing out, they've been transferring in the region of $5 million to municipalities for recycling programs. I don't know how that number is arrived at. I don't know whether that number is high or low. I would like to be educated on it. As an environmentalist myself, in my basic outlook it seems to me important that any organization share the external costs which they're generating in environmental impact. Beyond that, I'd be very interested in hearing about it but I can only at this point acknowledge the concern that that is, I think, something that should be emphasized in the LCBO's business.

1100

Ms Horwath: Do you have any personal opinion, Mr Olsson, on the deposit-return system and whether it would be feasible for the LCBO to undertake a system like that?

Mr Olsson: That's a balancing of economic and environmental interests and issues and I don't know what the costs and trade-offs are today.

Ms Horwath: Those are my questions. Thank you.

The Chair: That concludes the time allocated. I would just indicate you do have a very impressive resumé, Mr Olsson, and we very much appreciate your coming here this morning and being so forthright and honest. Thank you very much.

PAUL MULLINS

Review of intended appointment, selected by official opposition party: Paul L. Mullins, intended appointee as member, Deposit Insurance Corp of Ontario board of directors.

The Chair: Our fourth interview this morning—and we're right on time, 11 o'clock, where we should be—is with Paul Mullins, the intended appointee as member, Deposit Insurance Corp of Ontario board of directors. I would invite Mr Mullins to come forward.

As you may be aware, Mr Mullins, you do have an opportunity to make an opening statement, if you choose. Any time you take would be deducted from the govern-

ment party questioning. After you make an opening statement, if you do, there will be questions from all members of the committee, and each party has 10 minutes for questions. So I would invite you, if you would like, to make an opening statement.

Mr Paul Mullins: Thank you, Madam Chair. I do have a few written comments, but rather than read them, I prefer to comment on how pleased I am to be here and how surprised I am to be here before this committee. The surprise comes particularly from the fact that when I was asked to let my name stand as a potential nominee to the DICO board, I was asked by Dennis Wipp, the president and CEO of the Woodslee Credit Union. That was in response to a request that had come out from Credit Union Central of Ontario for potential nominees as the Credit Union Central rep to the DICO board. So I agreed to let my name be put forward but I really didn't expect anything to come from it.

In the process they followed, they had an interview committee of the CUCO board, which I appeared before. They interviewed a number of nominees for the position but I assumed throughout that they would have their favourite chosen nominee because I had never been involved in Credit Union Central, I had never been involved at the provincial level within the credit union movement. So I assumed that I was accommodating a need to have a number of names considered, but I really didn't have a great expectation that mine would be the one that would be advanced beyond that point.

My involvement in credit unions had been in the Woodslee Credit Union, and in many ways the Woodslee Credit Union is a key study of what's happened to the credit union system throughout the province over the last 50 or 60 years. My involvement goes back quite some time. My account number is 109. I was still in diapers at the time. The credit union helped me go through law school. I was able to get a loan without collateral and without guarantees. It certainly is something that I'm always grateful for.

In the late 1970s, early 1980s, the credit union, as most credit unions did, went through a period of financial distress. I went on the board at a time when they had accumulated about $3 million in deficits and were losing money at the rate of $1 million a year. Their viability was certainly in jeopardy. We were able to work through that period to the point that we're now a credit union with a quarter of a billion dollars in assets. During that period we've also been approached by eight or 10 other credit unions within Essex county and have gone through voluntary mergers with them so that we now have branches in Kingsville, Leamington, Essex, Harrow, Belle River, and we even have a part-time branch on Pelee Island. The process that Woodslee went through actually has been mirrored throughout the province, because there has been a tremendous consolidation of credit unions throughout that time period.

In any event, I was surprised and pleased that the Credit Union Central was open to someone who had not been part of their group, so to speak, to represent them on the DICO board. DICO, again, had their own nominating committee and, among the ones they considered, they recommended that I be appointed to the board, and the minister brought it to cabinet.

My second surprise came when this committee asked me to appear before it. I was surprised but also pleased, because I took it as an indication that the committee viewed this position as one of some importance to the province. I take it as a recognition that the credit union system as a whole has a great deal to offer to the province and to its economic future, and as a very important alternative to the banks. I was also pleased too—and it's in this context that I'm probably here—in that the budget papers indicated a review of the legislation for credit unions, to be able to have input in that and to contribute to that process. As a member of the DICO board, it's something I look forward to doing. Thank you.

The Chair: Thank you very much for that presentation. We are now going to begin with Mr Yakabuski of the Conservative Party.

Mr Yakabuski: Thank you for coming this morning and also for seeking this position. You did indicate that the credit unions themselves or their association, the association of credit unions, were the ones who approached you about sitting on this board or seeking this position. So there was no political involvement in your desire to seek this position, or were you approached by any members of the Liberal Party?

Mr Mullins: No, I wasn't. In fact, it was after the DICO board had indicated they were going to advance my name as their preferred nominee to the minister that I thought I should call my local member as a courtesy, to let him know that this would be going forward to cabinet. I didn't think he should necessarily have to find out rather than from me directly, because I had been supportive of him throughout his political career.

Mr Yakabuski: So you are a member of the Liberal Party?

Mr Mullins: I am a member of the Liberal Party.

Mr Yakabuski: And a financial supporter of the Liberal Party?

Mr Mullins: Yes. My first involvement with the Liberal Party actually was managing Eugene Whelan's campaign.

Mr Yakabuski: That's going back a while.

Mr Mullins: That goes back a long way, that's right.

The Chair: And that is a challenge.

Mr Mullins: That was more than a challenge.

Mr Yakabuski: Did you have to keep his cowboy hat all cleaned up?

Mr Mullins: I was at the office opening for Susan Whelan in Belle River last week. She gave him the courtesy of saying a few words and, 15 minutes later, as she was trying to get out of the room to go to another function, she was trying to cut him off. I interjected to say that when I managed his campaign way back then—some things never change, because he was incapable of giving a short stump speech even then.

Mr Yakabuski: Well, some things never change for a lot of politicians.

According to the information I have, several years ago you were involved in the set-up of a particular credit union. Have you been involved since that point?

Mr Mullins: In the set-up of a credit union? The only time I was involved in establishing a credit union was when I was in university and I set up a student credit union for the students at St Francis Xavier seminary. I don't recall being involved in any set-up of a credit union beyond that.

Mr Yakabuski: The number of credit unions in Ontario is declining, and the DICO has indicated that this is due to mergers and acquisitions. Do you feel there are any other reasons that the numbers are declining?

Mr Mullins: I think there's a dynamic that's taking place where there's an expectation of getting a certain level of service, and you can't really provide that if you don't have a size to be able to sustain it. I know in our own situation, we have examined the possibility of opening branches in a couple of locations where banks have pulled out. We've determined that in order to provide a full-service facility, we have to have an asset base of $10 million in that branch. There are many credit unions that don't reach that level and can't provide full services unless they are larger.

1110

Mr Yakabuski: Earlier this year, Gary Seveny, president and CEO of CS Co-op, told the standing committee on finance and economic affairs that the credit unions act needs to be rejuvenated. What do you think he was referring to? Do you believe there need to be changes to that act, and what sort of changes would you recommend?

Mr Mullins: I haven't really studied the issue, and I don't know where he was coming from with regard to it, but I do know there is a difficulty in establishing a common brand throughout the province. I don't know how that can be accomplished with the current legislation. Each of the credit unions are totally independent, and they're going to want to maintain that. I don't think that should be taken away from them. But it's a strength and a weakness, because it reflects the local character but it also doesn't always provide the opportunity to provide the full services that people have come to expect.

There's one thing I know I've raised already and that I would consider to be a real benefit, and that is that currently the deposit insurance is limited to $100,000 per deposit. I think there's a lot of merit that would be had in the concept of an unlimited deposit guarantee. The current guarantees actually guarantee 92% of the deposits. I've had clients who have sold farms or have retired and have been concerned about the level of guarantees available, even within the banks, and in fact go to different institutions to ensure that they would enjoy full guarantees. The reality is, in the credit union system, we can't afford not to honour every deposit, regardless of the size and regardless of the limit on the policy or on the legislation, just because of the credibility that would suffer if we didn't honour it. So I'd like to see a thorough examination of the feasibility of extending it to an unlimited guarantee.

Mr Yakabuski: I bank at a credit union myself in Barry's Bay, and I can tell you I'm very pleased with the work they do. I think they provide good service and a choice for people, and we're glad to see them there.

Ms Horwath: I think you've answered this question somewhat already, but maybe you could expand upon the issues that you see as contributing to the financial health of the overall system. In your resumé, you talk about what you did personally when you were a director of the Woodslee Credit Union and how you turned that organization around. What specific measures do you think can be implemented to ensure the longevity and the health of the credit union system overall?

Mr Mullins: One of the initiatives that DICO has undertaken is bylaw number 5, they call it, where they are encouraging good governance within the credit union: good education of the board members, greater education of the lending officers and the management levels within the credit union. I think that's a critical initiative and one that needs to be pursued even further. We have to be competitive with the banks, but we have to be good financial managers within the credit union system as well. One of my concerns is that we will overreach our capabilities in terms of commercial lending in areas that are more risky than the normal home mortgage type of service. But in a small community, there is a real need for the credit unions to provide lending in the commercial areas. So I think more needs to be done to provide the support and the education, to provide an educated response to that need.

The Chair: Thank you very much, Mr Mullins. We really appreciate your being here this morning, and we wish you all the best.

GORDON KAISER

Review of intended appointment, selected by official opposition party: Gordon Kaiser, intended appointee as member and vice-chair, Ontario Energy Board.

The Chair: Our fifth and final interview this morning is with Gordon Kaiser, the intended appointee as member and vice-chair of the Ontario Energy Board. I would invite Mr Kaiser to come forward at this time. Good morning.

Mr Gordon Kaiser: Good morning.

The Chair: You may be aware that you do have an opportunity to make an initial statement. That time will be deducted from the time allotted to the government party. Then there will be questions from all members of the committee. Each party will have 10 minutes for questions. We go in rotation. I would invite you at this point in time to make whatever statement you might wish.

Mr Kaiser: It's an honour and a privilege to appear before this committee. Energy regulation is a very important matter in this province, and the country for that

matter. Probably, second to health, it's the most important area within provincial jurisdiction.

Many years ago I was a student at the University of Toronto at St Michael's College, just around the corner, when the lights went out. That was 1965. Last year we had a repeat of it. I also served as the chief executive officer of a communications company in California for 10 years. There I had the pleasure of experiencing rolling blackouts. They're actually even scarier, because you know they're coming; you just don't know when. In that business we delivered data by satellite to 600 radio stations. That data was used by truckers to know where to pick up their loads.

We had backup generators, but you'd be surprised how many radio stations didn't. The switchboard would light up with truckers all over the state who couldn't find their loads, trying to get home to a daughter's birthday, or a sick mother, or whatever. These are all independent owner-operators. These aren't rich people. These are people who have a hard life, driving all over a country as big as the United States.

It was an interesting realization of the importance of maintaining a stable infrastructure, because that's what happened in California. They had failed to maintain the infrastructure, for a variety of reasons. Of course, as in Ontario, they got hit by unexpected results. The air conditioners were running overtime that summer, as they were last summer. You get these things. It's a difficult industry to plan for. It's a difficult industry to regulate.

I've practised law for 30 years and for most of those 30 years I've been involved in regulation. In fact, my very first client was the North Eastern Ontario Municipal Association—people up around Timmins—appearing for them before the Ontario Energy Board, battling with a company called Northern and Central Gas, probably now long since gone. We had the first decision that got a refund. It was interesting trying to figure out who we give the money back to, but we got the refund, we got the money from the gas company in any event. It was actually the first time that the tribunal, the board, awarded costs to an intervener, a practice which they've continued over these past number of years.

From there I went to represent the Association of Municipalities of Ontario. That was a different perspective because those were all the municipalities in the province. After that, during Mr MacCauley's tenure at the board, I became counsel to the board. It was a different perspective entirely.

I've also been very active in telecommunications regulation. I've acted for the federal government. In the year when they were trying to expand competitiveness in telecommunications, I appeared before not only the CRTC but provincial commissions throughout the maritime provinces—New Brunswick, Nova Scotia, Prince Edward Island—as well as in Alberta.

I also served the commissioner of competition in the petroleum products inquiry, interestingly enough, something that's recurred again this year, as it often does during the course of elections. That inquiry took place over three years and had hearings throughout Canada. I have some experience, as well, in the regulatory policy side of things. I taught competition law at Queen's University for 10 years. I taught the economic regulation course at the University of Toronto law school for four years. I've written books in the area and I've written articles in the area. I actually took a year out from my law practice and became the first visiting professor in the law and economics program at University of Toronto a number of years ago.

I had some experience in the regulatory area myself as a regulator. I served as a part-time member of the Ontario Telephone Commission at one point in time.

Since returning to Canada from my time in California, I have practised exclusively on behalf of the Attorney General of Canada, prosecuting cases under the Competition Act. Those mostly involve price-fixing and other forms of consumer fraud, so I have a keen awareness, if you like, of consumer advocacy from that period of time.

In summary, Madam Chair, I appreciate the opportunity to appear here. I realize the importance of this position. Thank you very much.

1120

The Chair: Thank you very much for the presentation. We're going to begin with the NDP.

Ms Horwath: It's obvious from your comments, as well as the written materials, that you're very experienced and very knowledgeable about the industry overall and the role of the board. I'm wondering, though, with regard to these experiences and this past history, whether you perceive that you will have any conflicts of interest in carrying out your duties.

Mr Kaiser: Happily, I have no conflicts of interest. I've been in California for 10 years, and in the last two years, I've acted strictly for the federal government. The last time I appeared before the board would have been 15 years ago. Everyone's either long gone or dead.

Ms Horwath: So then, in terms of your work with the Association of Municipalities of Ontario, AMO, potential conflicts there?

Mr Kaiser: Yes, I last stopped acting for them, I'm going to say, prior to 1990, probably 1989 or 1988. A long time ago.

Ms Horwath: OK. I was wondering, when we talk about the gas industry, if you see any role there in terms of consumer protection when it comes to natural gas prices, which are all so very, very concerning to the public, to the consumer. Do you see any role?

Mr Kaiser: There's always a role for consumer protection, and protecting the consumer from price increases is the traditional role of these boards. One of the things that you do have to be careful from is, if you create artificially low prices, it's just a question of whether the taxpayer pays or the ratepayer, and in the process, you create the wrong market signals. So a board has to be very careful in evaluating rates independently in the best interests of the public, and in the long-term interests, not some short-term political interest.

Ms Horwath: My understanding is there's an advisory committee that's supposed to be set up but has not yet been set up.

Mr Kaiser: Yes.

Ms Horwath: Can you speak to what you would see the role of the advisory committee being and also the stakeholders that would be appointed to that advisory committee? Who would you see being appropriate—not in terms of individuals, of course, but in terms of representatives from various parts of our community?

Mr Kaiser: I think it's very important. I don't know the status of that or why it hasn't happened. I can't speak to that. But you notice from some of the previous questioning around this table—and I experienced it in those years when I acted for the people of northeastern Ontario—you get different interests, depending on what community people have come from. There is no sort of standard consumer in Ontario.

So the first point I would make is yes, of course, you're going to have representatives of consumers, and you're going to have representatives of large users, but even within that consumer category, you have to be sensitive to certain areas where they may be more dependent on energy. That's one thing.

The other thing—and I don't know whether the tribunal of the board has thought of this—is we're going to have to pay a lot more attention in this province and in this country to conservation. I see the government has taken some initiatives, but I would suggest that an important representative on the stakeholder committee, or representatives, is from that conservation community, because we really need to get that message out there. Those are billions of dollars that can be saved, whether that comes from the ratepayer or from the taxpayer, by just more efficient conservation messages. So if there was one constituency that has typically been left out of this dynamic over the years, it's that constituency, and somehow that needs to be dealt with.

The Chair: We'll move to the government.

Mr Parsons: We've read Mr Kaiser's qualifications, and we don't quite understand why he was called. So we have no questions.

Mr Yakabuski: Oh, I think they do understand.

Anyway, Mr Kaiser, I appreciate your coming before us. I certainly do. I do have a few questions. Partly because of the nature of this appointment, I have to ask, are you currently or have you been either a member of the Liberal Party and/or a donor to the Liberal Party of Ontario?

Mr Kaiser: Well I'm not a member of the party. The last time I did anything that I can remember was in 1984, when I knocked on doors for Monte Kwinter. I think that was the first time he was elected, and I believe he's still in the Legislature.

Mr Yakabuski: You did a good job.

Mr Kaiser: I haven't been involved since then. I may have given some money along the way; I don't recall doing it, but that's completely possible.

Mr Yakabuski: Were you approached about this position?

Mr Kaiser: I got a call from the chairman, Mr Wetston; I've known Mr Wetston for 30-odd years. He was Commissioner of Competition. I acted for the government and I also acted against the government, so I was sometimes his friend and sometimes his enemy. He phoned me—this was last fall—and asked if I would come up and have a cup of coffee with him. He said, "Would you be interested in being the general counsel?" I said I didn't think so. He said, "Would you be interested in being a vice-chair?" I said, "That might be interesting." So I sent him my resumé, and I got a call from somebody in the government asking would I fill out a form—make an application—which I did. That's the extent of the involvement I've had in the process.

Mr Yakabuski: That actually brings me to my next question. First of all, this is a full-time appointment.

Mr Kaiser: Yes.

Mr Yakabuski: Do you know how much it pays?

Mr Kaiser: No, not exactly.

Mr Yakabuski: One of the jobs—Ms Horwath talked about that—is electricity pricing. One of the tasks is developing a strategy with regard to energy pricing. You talked about conservation, and some people would say that one of the conservation strategies needs to be a disincentive to use electricity, which some people would consider to be price increases. Given the statement by the Minister of Energy yesterday, I think there are a lot of people out there who feel and believe this announcement is going to lead to significant increases in energy prices.

Given that the commitment made last year that they would maintain a price cap of 4.3 cents through 2006 has not been honoured, there are a lot of people in the province who are struggling with hydro rates. They're now struggling with a health care tax and other taxes that have been brought forward by the new government in their first budget. Do you have a position as to where we are going with energy prices in the province and how that might impact consumers and the economy if prices go too high?

Mr Kaiser: The government gave a reference to the energy board to report back by May 2005 as to a new form of rate-setting that could handle this. In yesterday's announcement there was also reference to the fact that the OEB will be charged with regulating rates for low-volume and residential consumers, so the board is going to have a hearing on that. It would be wrong for me to comment at this point. There will be a lot of evidence presented from a lot of interested parties; hopefully some innovative schemes will come forward. It's a very serious issue.

As I said at the outset, there are no quick fixes, unfortunately, because you end up paying for these things one way or another. The board is going to have to put all of its best resources on it and come up with the best possible solution—I don't want to use the term "politically expedient," but to try to do the best possible job for the consumer and the public interest long term. If you have artificial rates and you run out of power, that's not going to solve anything.

Mr Yakabuski: Thank you for that answer.

I had a question with regard to your appointment as vice-chair, but it was along the same lines as the replacement of Jim Ginou with David Crombie at Ontario Place. But if Mr Wetston himself called you, I trust you won't be bucking for his job.

Mr Kaiser: You have to know Mr Wetston. He specifically told me, "You're not getting my job."

Mr Yakabuski: And you believed him.

One of the other things I wanted to ask you about is of concern to myself as one who has LDCs in my riding. There's talk about Hydro One wanting to eliminate all these small utilities. The Ottawa River Power Corp in my riding is one of the most efficient ones we've ever seen. It's small and makes a profit every year. Then you've got Ottawa Hydro, which serves half a million customers and loses millions of dollars. Yet there seems to be a movement out there to try to eliminate some of these small utilities. I'd like to know your views as to where we might be going in that regard.

Mr Kaiser: It's not something I've studied, but I spent a lot of time in Kingston. I did an economics degree there, taught there and did a law degree there. Of course, they had Kingston Hydro. I used to read about it in the papers all the time. There are advantages in having local agencies; people are in touch with them. You have to balance that with inefficiencies that sometimes come as a result of size, and you have to deal with it on a case-by-case basis. There's no general rule. You can't categorize all of them, because each is a special case.

Mr Yakabuski: In Minister Duncan's press release yesterday, there are a number of changes that are planned. Have you had a chance to read over that press release?

Mr Kaiser: I've looked at the press release.

Mr Yakabuski: Would you be prepared to comment at this time on any of the initiatives that were made in that press release?

Mr Kaiser: I think some of them are—"obvious" is the wrong term. Clearly somebody—and the Ontario Power Authority has been established for the purpose—needs to take a cold, calculating look at what the requirements are over the long term. Something like 25,000 megawatts are going to be required over the next 10 years or so. That's 80% of the current capacity. So there are going to be significant investments, and they have to be made efficiently. I think it's a good concept for somebody to step back and say, "Let's start with a clean piece of paper." I know it sounds like this thing has been studied to death, but as we saw from last year it's pretty critical. As I've said, creating this conservation secretariat, or whatever they call it, with a chief conservation officer, is important. Now, the devil is in the details. It may be all smoke and mirrors for all I know, but hopefully it's not. Certainly it's a step in the right direction.

Mr Yakabuski: Just one other thing: I did want to mention that up until yesterday, I have to confess, I didn't even know who you were, and I would not have met you. But I had a chance to talk to former energy minister John Baird, and he told me that he felt you would be a very positive appointment.

Mr Kaiser: I appreciate that.

Mr Yakabuski: He spoke very highly of you. Thank you very much for coming in today.

The Chair: Mr Kaiser, on that note, that concludes the interview, but we certainly do appreciate the experience you bring to the job and your being here today to respond to questions.

We are now finished our interviews. All five of them are complete. We'll begin with consideration of the intended appointment of James Attwood, intended appointee as member, town of Midland Police Services Board.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment is moved by Mr Parsons. Any discussion? If not, all in favour? Opposed? The motion is carried.

We will now consider the intended appointment of Catherine Anne Novick, intended appointee as member, North York Community Care Access Centre board of directors.

Mr Parsons: I move concurrence

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? All in favour? Opposed? The motion is carried.

We will now consider the intended appointment of Philip Olsson, intended appointee as member and vice-chair of the Liquor Control Board of Ontario.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? If not, all in favour? Opposed? The motion is carried.

We will now consider the intended appointment of Paul Mullins, intended appointee as member, Deposit Insurance Corp of Ontario board of directors.

Mr Parsons: Again I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? If not, all in favour? Opposed? The motion is carried.

Finally, we will consider the intended appointment of Gordon Kaiser, intended appointee as member and vice-chair, Ontario Energy Board.

Mr Parsons: Again I am pleased to move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? All in favour? Opposed? The motion is carried.

Is there any further discussion on any issue?

That adjourns our meeting, and I'm pleased to inform you that it appears that next week we may be starting at 8:30. It's possible it may be 8 o'clock. We're still looking to interview one additional individual.

Thank you very much for being here, and our congratulations to the appointees.

The committee adjourned at 1133.

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A-13

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Première session, 38e législature

Official Report of Debates (Hansard)

Wednesday 23 June 2004

Journal des débats (Hansard)

Mercredi 23 juin 2004

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 23 June 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 23 juin 2004

The committee met at 0806 in room 151.

ELECTION OF CHAIR

Clerk of the Committee (Ms Susan Sourial): I'd like to call the meeting to order.

Honourable members, it's my duty to call upon you to elect a Chair. Are there any nominations?

Mr Lorenzo Berardinetti (Scarborough Southwest): I would move Elizabeth Witmer as Chair.

Clerk of the Committee: Mr Berardinetti has moved Mrs Witmer as Chair. Any further nominations?

Seeing none, I close nominations. Mrs Witmer is elected as Chair.

ELECTION OF VICE-CHAIR

Clerk of the Committee: I now have to call upon you to elect a Vice-Chair.

Mr Berardinetti: I would like to nominate Andrea Horwath as Vice-Chair.

Clerk of the Committee: Mr Berardinetti has nominated Ms Horwath. Are there any further nominations?

Seeing none, I declare nominations closed. Ms Horwath is elected as Vice-Chair.

APPOINTMENT OF SUBCOMMITTEE

The Vice-Chair (Ms Andrea Horwath): Good morning, everyone. We're running a tiny bit late, so we'll start right away.

The first order of business is that I would like to ask for a motion to appoint a subcommittee on committee business.

Mr Wayne Arthurs (Pickering-Ajax-Uxbridge): I move the subcommittee on committee business be appointed to meet from time to time at the call of the Chair or on the request of any member thereof to consider and report to the committee on business of the committee in the presence of all members of the subcommittee, as necessary, to constitute a meeting, and that substitutions be permitted on the subcommittee and the subcommittee be composed of the following members: the Chair as Chair, Mr Tascona, Ms Horwath and Mr Parsons.

The Vice-Chair: Is there any discussion? No discussion. All in favour? Any opposed? That motion carries.

SUBCOMMITTEE REPORT

The Vice-Chair: Our next order of business is the report of the subcommittee on committee business that was dated June 17, 2004. Is there someone to move its adoption?

Ms Laurie Scott (Haliburton-Victoria-Brock): I'd like to make a motion to amend.

The Vice-Chair: OK.

Ms Scott: I would like to amend to remove Patrick Gossage, Martha Durdin, J. Urban Joseph and David Crombie.

The Vice-Chair: There's a motion by Ms Scott for the amendment.

All in favour? Any opposed? The amendment carries.

Then on the motion altogether: All those in favour? Any opposed? It's carried.

The next item is extension of deadlines. Pursuant to standing order 106(e)—I'm sorry?

Ms Scott: Sorry, Andrea, it's me. Also, to remove the following selections of intended appointees—it was separate, just the way they were chosen—Lorraine Desjardins, Anne Mundy, Helena Guenther and Elizabeth Ann Post.

The Vice-Chair: Any discussion?

Mr Peter Kormos (Niagara Centre): I'm at a disadvantage. I have the report of the subcommittee here, Thursday, June 17, 2004. I don't have anything that helps me understand this most recent motion. Maybe somebody could help me with that.

The Vice-Chair: Perhaps the clerk can help with the details.

Ms Scott: We had originally polled these names to come before the committee, and now we've decided that we don't want to see the selected people I've just mentioned. There was no need, but we had called them.

The Vice-Chair: So the opposition had polled the names for interview themselves, and they have determined now that they don't wish to interview.

Mr Kormos: I understand, but is that contained in a recommendation of the subcommittee? I have the recommendation of the subcommittee.

Ms Scott: This is the previous one. There were just two.

Mr Kormos: Wait a minute. So this motion amends previous subcommittee reports that have already been approved?

Ms Scott: Yes.

Mr Kormos: With all due respect, you don't amend those previous subcommittee reports which have already passed; you make a motion standing on its own.

Ms Scott: I just made a motion to withdraw those names.

Mr Kormos: How orderly is that in terms of the committee having approved that and now the committee being called upon to address a matter that has already been resolved by the committee? I'm just asking. As you know, I'm just visiting here. If it's not out of order, I'm just curious, because it seems to me that you're calling upon the committee, which has already decided an issue, to then contemplate the same issue, and I'm wondering about the orderliness of it.

I know why. I understand your motive or your desire, yes. I'm just curious as to whether or not the committee can reconsider a matter that's already been dealt with.

The Vice-Chair: Mr Kormos, if you don't mind, I'm going to ask the clerk to describe the precedent.

Clerk of the Committee: According to the standing orders, we don't need a subcommittee report to adopt intended people to be interviewed. The committee practice has been to use a subcommittee report. Because it's not in the standing orders that we need a subcommittee report, the members can also withdraw the selections without having it go back to subcommittee.

Mr Kormos: Perhaps when we're finished today you can show me the standing orders that provide for that. When we're finished.

The Vice-Chair: All right. So then the motion to withdraw the names has been moved. Is there any further discussion?

All those in favour? Any opposed? That motion carries.

Mr Kormos will get the information he requested at a later date.

The extension of deadlines: Pursuant to standing order 106(e)11, unanimous consent is required by the committee to extend the 30-day deadline for consideration for the following intended appointees. I believe the only remaining appointee is René Fontaine.

Ms Scott: No, there's one more.

The Vice-Chair: I'm sorry?

Ms Scott: It's the OSC appointee, David Knight. I think he's already been polled. So there would be David Knight and René Fontaine.

The Vice-Chair: I don't have David Knight on my list.

Ms Scott: Has he been extended already?

The Vice-Chair: It's possible he has.

Ms Scott: I'm sorry. He's been extended already.

The Vice-Chair: Do we have, then, unanimous consent to extend the deadlines until August 31, 2004? OK. Thank you.

INTENDED APPOINTMENTS

JOSEPH SNIEZEK

Review of intended appointment, selected by official opposition party: Joseph Sniezek, intended appointee as member, Ontario Municipal Board.

The Vice-Chair: We then move on to the appointments review. Our first interview is with Joseph Sniezek, intended appointee as member, Ontario Municipal Board.

Mr Sniezek, welcome. Please come forward. As you might be aware, you have an opportunity initially, should you so choose, to make some initial comments, an initial statement. Subsequent to that, there are questions from members of the committee in rotation. Our last appointment review started questioning with the Progressive Conservative Party. This morning we'll be commencing questioning with the New Democratic Party. Each party will have 10 minutes allocated for questions, and we will go in rotation. As is also the practice of this committee, any time you take for your initial comments, Mr Sniezek, will be deducted from the time allotted to the government party. So welcome and please go ahead.

Mr Joseph Sniezek: My name is Joe Sniezek. I am a registered professional planner in the province of Ontario. I'm the past president of the Ontario Professional Planners Institute and a certified wetland evaluator. I graduated from the University of Waterloo urban and regional planning program. My employment experience involves both public sector and private sector exposure.

I have appeared before the Ontario Municipal Board on approximately 50 occasions as an expert witness. I believe the board plays an important role in the protection of those wishing to develop property and those affected by property development. Jurisdictions that do not have administrative tribunals like the Ontario Municipal Board must rely on the courts, and the courts may not be the most appropriate vehicle for the resolution of land use disputes. Courts are expensive and more constrained in their abilities to resolve disputes and give a sense of justice and fairness to land use decisions. Rights of appeal to the board are abused at times, and some questions are not about land use but relations between neighbours.

I come to this position with the required background and experience, and I believe I'm able to sit as a fair arbiter of local land use decisions. No actor in the land use decision-making process is omniscient or perfect and, as a result, decisions of councils and committees of adjustment are reviewable. In order for the process to be fair, you must put aside your presumptions and prejudices and see all sides of the issue. You must be empathetic and follow what I call the Elmer the Safety Elephant rules of good planning decisions: stop, look and listen. If you do, you will make fair and balanced decisions that are in the public interest.

It should be made clear to the committee that I have been politically active for the Liberal Party for a number

of years. I was a candidate in the 1988 federal election in Sault Ste Marie. I believe my political involvement should not qualify nor disqualify me for this position.

I would be pleased to answer any questions you may have concerning my background or qualifications.

The Vice-Chair: Thank you, Mr Sniezek. We'll commence with the New Democratic Party.

Mr Kormos: I compliment you for coming clean right off the bat, because you knew someone here was going to ask, right? Heck, you can't keep secrets any more. Even Christ couldn't get 12 people together without one fink. So I commend you for coming clean with the Liberal background.

I'm interested in your work. You're currently working as?

Mr Sniezek: I'm the manager of long-range planning for the city of Sault Ste Marie.

Mr Kormos: Is this a contract position?

Mr Sniezek: No, full-time.

Mr Kormos: You indicate you've owned and operated a postal outlet and an outsourcing business for the last 14 years.

Mr Sniezek: That's correct.

Mr Kormos: That's current as well?

Mr Sniezek: That's correct. But if I get this position, I would probably take a leave of absence from my position with the city.

Mr Kormos: The postal outlet, this is a sub-post office?

Mr Sniezek: It's a sub-post office.

Mr Kormos: Operated out of where?

Mr Sniezek: We have two locations in Sault Ste Marie, one in Market Mall and one in Churchill Plaza.

Mr Kormos: I don't know what an outsourcing business is, by the way.

Mr Sniezek: We take outsourcing contracts for various delivery businesses. We deliver newspapers to delivery boys, that kind of thing. So we take contracts from other businesses to deliver parcels or mail or other kinds of things.

Mr Kormos: You broker these contracts?

Mr Sniezek: Yes, that's right.

Mr Kormos: Why do you want to leave? It's a good position with the city of Sault Ste Marie.

Mr Sniezek: Originally I thought this was going to take some time. I've worked for the city for 33 years and it would be something I could do in retirement. I didn't expect originally that I would get the position so soon, but now that it has come up, I'm willing to take it.

0820

Mr Kormos: You're going to support yourself on your OMB income?

Mr Sniezek: That's correct.

Mr Kormos: I suppose if you're going to come clean, you've got to come clean all the way. You'd be naive not to have used your political contacts to provide some assistance to you in developing this.

Mr Sniezek: I submitted my application for the position, and I contacted the local MPP's office and said that I had submitted my application.

Mr Kormos: Right. And?

Mr Sniezek: That's it.

Mr Kormos: Your local MPP is here, I think.

Mr Sniezek: That's right.

Mr Kormos: I can't ask him any questions so I'm going to ask you how your local MPP responded to you.

Mr Sniezek: I didn't actually contact the MPP directly; I contacted his office.

Mr Kormos: Hard to get a hold of, huh?

Mr Sniezek: I talked to his office. I talked to his executive assistant.

Mr Kormos: He has an executive assistant?

Mr Sniezek: Yes.

Mr Kormos: Is this a man or a woman?

Mr Sniezek: A man.

Mr Kormos: This guy is an amiable kind of guy?

Mr Sniezek: Yes.

Mr Kormos: He said, "Thank you very much"?

Mr Sniezek: Yes.

Mr Kormos: "So long, it's been good to know you"?

Mr Sniezek: I said, "See what you can do."

Mr Kormos: Oh. And he said, "Sure"?

Mr Sniezek: Yes.

Mr Kormos: I think you have the qualifications in terms of your background to do the job. What work or study have you done around arbitration? What's your sense, for instance, of being a neutral? What have you read about that? Tell me about your expertise or your interest or your experience in that?

Mr Sniezek: I've taken a mediation and negotiation course. As a land use planner, you get to deal with neighbourhood problems and neighbourhood disputes between property owners. I understand that your job, as a civil servant, is to remain as neutral as possible and give the best advice to the political masters that you serve.

In terms of seeing land use disputes, I believe you should come with an open mind and see both sides of the issue. I'll use an example: If somebody wants to put up a 60-storey apartment building in downtown Toronto, that may be more than appropriate, but it may not be the best development in a place like Pembroke. That may affect people's values. I think locally determined land use decisions are based on the local set of values, and you have to bring that to the table. You can't see things only from your narrow perspective.

Mr Kormos: Tell me about your mediation-negotiation training.

Mr Sniezek: I took this course at Ryerson. It involved academic and practical simulations. You started off with one-on-one negotiations and then you moved to two-on-two and then multi-party negotiations, where you set out at first what your better-off-not-negotiating position is—when do you walk away from the table and when do you stay at the table—and you work from there.

Mr Kormos: I have to tell you, I like your frankness. I think you'll probably be a good member of the OMB.

There's probably a touch of political patronage here, but I have no aversion to political patronage when it's attached to competence. What I detest is political patronage attached to incompetence. Over a number a years here I've seen dogs walked into this committee—incredibly incompetent. We had a few from the Liberals just a few weeks ago. They wouldn't heed my advice and, honest to goodness, they're going to bite them on the butt before their terms are over. They'll be front-page news in the Globe and Mail. An appointment to the Social Assistance Review Board just a couple of weeks ago, an entirely inappropriate personality—but what can I say? They're the authors of their own misfortune. That's pretty clear after the last nine months, isn't it?

I'm encouraged. I can't vote for you, because I'm just here as of right on the committee pursuant to the standing orders and I'm not even subbed in, but I'm urging other people to vote for you. The New Democrats support your nomination.

The Vice-Chair: Thank you, Mr Kormos. Are there any questions from the government side?

Mr Berardinetti: No questions, thank you.

The Vice-Chair: Ms Scott?

Ms Scott: Thank you for coming and appearing here today. When you heard about the possibility of the appointment, which MPP's office did you contact?

Mr Sniezek: David Orazietti's.

Ms Scott: Did you have any idea how long the appointment was going to be for?

Mr Sniezek: Yes. I knew it was for three years.

Ms Scott: I know there's been some discussion about lengthening the time appointments would be from three years and extending them to maybe five or seven. Do you have any comment?

Mr Sniezek: I think it would provide a certain amount of stability to the kinds of people who could be appointed. In my particular case, I have to move my location to Toronto because the board offices are in Toronto. I happen to be in the fortunate position that my mother lives in Toronto and I will be staying with her during the week. But if one had to relocate their operations from another place in Ontario to operate in Toronto, a three-year term could be a hardship on people.

Ms Scott: The OMB does some travelling—actually quite a bit of travelling—does it not?

Mr Sniezek: Yes. In my discussions with the board, their activities basically are two weeks out of the month in Toronto and then two weeks in the rest of the province.

Ms Scott: OK. There's been a lot of discussion of the role of the OMB lately. Did anyone mention that there would possibly be pay increases involved, and do you know how much the pay is right now?

Mr Sniezek: I know what the pay is right now. It's $85,000 a year.

Ms Scott: I guess because the OMB is under discussion about its role, do you find this odd? I know you said you didn't expect the appointment so early. Does this worry you, that there might be structural changes and you mightn't be as active?

Mr Sniezek: I've read the proposals that the government has put out with regard to the reform of the board. There are good points and bad points. I know there are pressures from municipal politicians to change the role of the board, but the board has made—and I'll go back into history—some very important decisions with relation to land use in this province. They have reviewed municipal decisions and made some very positive changes.

You have a situation where they may be throwing the baby out with the bathwater in changing the role of the board. A really small percentage of decisions are appealed to the board, a minuscule number. To change the role of the board and not give property owners that right—the proposal they're making is that there would be no de novo hearing and only the record of the decision would be reviewed by the board. There may be a positive to that. It may be less costly for developers. But it may be that all developers will then think that they may have to go to the board with a record and it may be more costly for all of them and add to the cost of development applications. So there are good points and bad points to the reform proposals that have been made.

Ms Scott: I know one of the Liberal MPPs had mentioned he might like to dissolve the OMB entirely.

Mr Sniezek: Well, that's a possibility when you're appointed to a government position such as this, but the proposals that have been made that are in the planning reform document don't speak to that.

Ms Scott: Not so far.

Mr Sniezek: No.

Ms Scott: OK. There's also mention that board members would make it more accessible to members of the public. Do you have any ideas about how that would be possible?

0830

Mr Sniezek: If you take the view that members of the public come to the board and have a right to make their case and not—I don't see the board as a court. I see it as a forum where anyone can come to the board and make their case for and against a land use application, similar to the way they appear before city councils. I don't think the board should be so legalistic and so imposing that it would intimidate citizens from bringing applications. I think sometimes, you know, "You have to have a lawyer to present things to the board," and I don't think that's the case. The board's instructions and the Web site that they have support the idea that citizens can come to the board by themselves and make a case and the board will listen.

Ms Scott: So you feel the way it is now is open enough to the public?

Mr Sniezek: Yes. There are always improvements that can be made in making the decisions. I think sometimes the decisions of the board are too legalistic in form, but that's a style point.

Ms Scott: OK. So you're going to take a leave of absence from the city of Sault Ste Marie, and the other, the postal outlet—

Mr Sniezek: I am an owner. We have staff who operate that business. I'm a shareholder. There are two other shareholders in my business. I have two other partners, and we'll make appropriate arrangements.

Ms Scott: You said you've been politically active. Could you state what party you've been politically active with?

Mr Sniezek: The Liberals.

Ms Scott: Thank you. Those are all the questions I have.

The Vice-Chair: That concludes the questions. Thank you very much, Mr Sniezek. You can step down and go about your day. Thank you for coming in.

JASON CHEE-HING

Review of intended appointment, selected by official opposition party: Jason Chee-Hing, intended appointee as member, Ontario Municipal Board.

The Vice-Chair: We'll move on to our second interview, with Jason Chee-Hing, who is an intended appointee as a member of the Ontario Municipal Board. Mr Chee-Hing, please join us.

Welcome. As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there are questions from members of the committee. You may have observed how it's been done with the previous interview. Each party will then have 10 minutes allocated for questions, and we will go in a rotation. Any time you take in your initial statement will be deducted from the government's allocated time for questions. At this point, I would ask if you would like to make some statements.

Mr Jason Chee-Hing: Madam Chair and members of the standing committee, thank you for allowing me the opportunity to speak to you today on my intended appointment. Firstly, I would like to say that I consider it an honour and privilege to serve this province as a member of the Ontario Municipal Board.

You have a copy of my curriculum vitae, so I would like to take just a few moments to highlight for you my experience and qualifications, which I feel would serve me well in hearing cases brought before the Ontario Municipal Board.

Most of my career has been with the public service, starting at the municipal level of government and then moving on to the provincial level, in the areas of urban and regional planning, land development, housing, environmental planning, social policy and real estate financing. I believe planning is a multi-disciplinary activity utilizing many disciplines to ensure the development of sound planning principles. To a certain extent, my career path has been guided by this belief.

I received my bachelor's degree in urban and regional planning in 1981 and subsequently practised as a planner for the region of Durham for six years. My career path then took me to the provincial government, where I worked in the areas of affordable housing, land development, real estate financing, environmental planning and social policy. These are all areas that I consider to be within the context of planning. During this time, I also pursued further academic studies and received my master's degree in environmental studies in 1988 and a certificate in public administration.

I have been a registered professional planner, a member of the Ontario Professional Planners Institute and a member of the Canadian Institute of Planners from 1986 to 2003.

Community service is very important to me, and for the past two years I have served, and continue to serve, as a director and board secretary for Habitat for Humanity, York region.

Thank you very much for this opportunity to be here today, and I would welcome any questions the committee may have of me.

The Vice-Chair: Thank you, Mr Chee-Hing. Government side, do you have any questions?

Mr Berardinetti: No, thank you, Madam Chair.

The Vice-Chair: Ms Scott, do you have any questions?

Ms Scott: Sure. Thank you very much for appearing here today. How did you hear about this appointment?

Mr Chee-Hing: I heard about the appointment through the Public Appointments Secretariat.

Ms Scott: They contacted you?

Mr Chee-Hing: Yes, they did.

Ms Scott: Had you submitted your name on a Web site? How did they know to contact you?

Mr Chee-Hing: Actually, I had initially applied two years ago under the previous government and I subsequently renewed my application. I am aware of the OMB, being a planner and being associated with the planning profession. I am aware of the Web site and I did submit my application by mail.

Ms Scott: So this is something you've wanted to do for a while?

Mr Chee-Hing: It has interested me in terms of public service, yes.

Ms Scott: Are you aware of how long the appointment is going to be for?

Mr Chee-Hing: Yes, I am. I've been told that it's for a three-year term.

Ms Scott: Are you a member of any political party?

Mr Chee-Hing: No, I'm not.

Ms Scott: I'm going to ask some similar questions. The OMB is under review. Have you seen the document and do you have any thoughts about the proposed changes that may be coming to the OMB?

Mr Chee-Hing: I have seen the document. I have read the document. I would like to preface what I'm about to say by saying that since the Ontario Municipal Board is a quasi-judicial agency and it's an administrative tribunal, if I become a member, I will have to carry out the policies of the government because we are a tribunal. So, in a way, I think it would be inappropriate for me speak

or even be presumptuous, as a matter of fact, to speak on the policies that may be implemented and the board will have to follow. But having said that, I think the government's direction with respect to the OMB reform and planning reform is heading in the right direction.

Ms Scott: OK. Does that mean you like longer terms, public access and its powers maybe being less?

Mr Chee-Hing: From a personal perspective, and this is my own opinion, the OMB has had a long tradition of making decisions that affect residents in Ontario. I think a longer term would perhaps bring some sense of tenure with respect to the practice and perhaps take away any perceived pressures people may think have been brought by the government on the OMB. In other words, the OMB may enjoy some independence from a perception point of view.

Ms Scott: You think it's going to enjoy more independence from the—

Mr Chee-Hing: If it goes to a five-year term, I think the decisions would be seen to be more independent, yes.

Ms Scott: OK. Your history is that of a planner. I'm sorry. Are you working as a planner right now?

Mr Chee-Hing: No, I'm not working as a planner right now. I'm in the planning field, but not in land use planning. I'm in the social planning field now.

Ms Scott: Do you see any conflict, possibly?

Mr Chee-Hing: Not at all. In fact, as I mentioned in my opening statement, I feel that planning is a multidisciplinary activity that borrows from many disciplines: social planning, land use planning, environmental planning, law etc. So my work has no bearing with respect to what the OMB does.

Ms Scott: That's great. You have a very good resumé. Thank you for appearing and answering my questions. That's all, Madam Chair.

The Vice-Chair: Mr Kormos, do you have any questions?

Mr Kormos: Of course.

The Vice-Chair: Go ahead.

Mr Kormos: Obviously, a strong background. What about your current job? Are you going to leave that job?

Mr Chee-Hing: Yes, if this committee confirms my appointment, I will be taking a leave of absence.

0840

Mr Kormos: Only two things: I'm just curious—you have a strong planning background—as to how, in the role of an adjudicator, you are going to avoid the irresistible temptation to play the role of litigant. You understand what I'm saying. You're going to have planners, among other things, appearing in front of you. Some of those planners may well be making propositions around planning that are going to conflict with your firm beliefs about planning. How do you reconcile that? It's nothing to do with your appointment; it's just a question to you as a person with a whole lot of experience who has contemplated this role on the OMB.

Mr Chee-Hing: Well, as the previous candidate mentioned about dispute resolution and mediation, I have taken courses on that as well. I would like to say that being on the Ontario Municipal Board, from my perspective, my role would be to ensure that everyone is heard equally and fairly. The principle of natural justice, which is that everyone has to be heard before a decision is made, is one of the principles I intend to adhere to, to ensure that everyone is heard equally and fairly.

Mr Kormos: I appreciate you saying that.

Finally, what is the process? You submitted your resumé. Do you undergo any interviews? Tell us what happens before you get here, because you're not a political appointment.

Mr Chee-Hing: I hope that I will be selected on the basis of merit.

Mr Kormos: But you're not a political appointment.

Mr Chee-Hing: No, I don't believe I am.

Mr Kormos: Assure me; tell me you're not.

Mr Chee-Hing: I am not.

Mr Kormos: OK, good. That's better, because you're a civil servant.

Mr Chee-Hing: Yes, sir, I am.

Mr Kormos: You have a long background in the civil service. So tell us—I really want to know. I mean, you don't just show up here. Are there one-on-one interviews? This is a very important position and you're eminently qualified, but did anybody interview you before you got here? Tell us about that.

Mr Chee-Hing: Well, I applied to the OMB through the Public Appointments Secretariat a number of years ago; it was actually two years ago. I renewed my application back in January, and I received a letter confirming the receipt of my application and that it was forwarded to the minister responsible for the OMB. I subsequently received a call that I was to be interviewed by the chair of the Ontario Municipal Board, Marie Hubbard, and two vice-chairs. I subsequently met with Ms Hubbard, and I can't remember the gentlemen's names, and had an interview with them. They asked me about my background. I believe it was a very good interview because, at the end of the interview, Ms Hubbard said that she would be making a positive recommendation to the Public Appointments Secretariat. So in terms of the process, that's what happened.

I waited and, I guess about six weeks or two months later, I was told by letter that I was an intended appointee made by the government. So I believe the process was followed, if that is the process.

Mr Kormos: Oh no, that's a good process. The problem is, and that's why I wanted you to tell us about it, I'm not sure it always happens that way. But in your case it did, and I hope the committee supports your appointment. Thank you, sir. I appreciate it.

The Vice-Chair: That concludes the interview process, so thank you for having come in. We appreciate it, and we'll be moving on to the next interview. Thank you, Mr Chee-Hing.

Mr Chee-Hing: Thank you.

Mr Kormos: It's cold in here. I didn't think it was at first, but holy moly.

The Vice-Chair: It's to keep us awake for these 8 o'clock meetings.

Mr Kormos: Jeez, my nose is running, you know.

Mr Arthurs: That means you're healthy, if your nose is cold.

Mr Kormos: Is that true? Is that right? I don't know; it confuses the daylights out of me.

The Vice-Chair: OK, our third interview is with Ieva Martin, who is an intended appointee as a member of the Ontario Rental Housing Tribunal. Is Ms Martin here? OK, then we'll take a five-minute recess. We can all go and warm up and come back at 10 minutes to 9.

The committee recessed from 0845 to 0853.

IEVA MARTIN

Review of intended appointment, selected by official opposition party: Ieva Martin, intended appointee as member, Ontario Rental Housing Tribunal.

The Vice-Chair: We're going to get started again. I will ask the members of committee to take their seats when they are ready to do so. In the meantime, our next interview is with Ieva Martin. Ms Martin is an intended appointee as a member of the Ontario Rental Housing Tribunal. Ms Martin, if you are here, could you please come forward and take a seat at the end of the table?

Welcome. Make yourself comfortable. As you may be aware, you have an opportunity, should you wish, to make an initial statement. Subsequent to that, the process is that questions will be made from each of the different parties to you. Each party will be allocated 10 minutes for questions, and we will go in rotation. Any time that you take for your initial statement will be deducted from the time that is allocated to the government party. With that, I welcome you, and ask if you'd like to say a few words.

Ms Ieva Martin: Yes, thank you, I would.

Good morning, ladies and gentleman. I assume that I'm here to convince you that I'm eminently qualified for the appointment as a member of the Ontario Rental Housing Tribunal.

I first applied for this position in January 1998, after an advertisement appeared in the Globe and Mail shortly before Christmas 1997. At that time, I had already adjudicated more than 1,000 unemployment and, later, employment insurance appeals. Here's what I said at that time, which I think is worth repeating:

I have a proven track record in the following areas: interpreting and applying legislation and related regulations guided by case law; decision-making; impartiality and sound judgment; strong organizational, administrative and problem-solving skills; ability to formulate reasoned decisions and communicate them orally and in writing in a timely manner—the written decision is done the day of the hearing; sensitivity to diverse interests; ability to maintain effective control in confrontational situations; integrity; and understanding of and sensitivity to conflict-of-interest issues.

I was well aware at the time that this was a political appointment, but hoped that the government might see the value of appointing someone who was on the public record as a Liberal candidate in 1995. I was granted an interview and wrote the test, but was not offered the job. Since then, I have gained even more experience— six more years— and I am now considered the best chair of the board of referees in Mississauga of the last 30 years. This was the busiest board in Canada until the boards in Toronto amalgamated. I'm the person who gets called on if, at the last minute, a chair is not available for the day they're scheduled for; I have to go in blind and chair the hearing.

When the government changed, I applied again through the Public Appointments Secretariat, because my experience and skills are directly transferable to any administrative tribunal. The first tribunal on my list was the Ontario Rental Housing Tribunal.

At the board of referees, I set the tone for respectful, fair and impartial hearings on the issues before us. I make sure that claimants and/or their former employers are given the opportunity to be heard. We then have to assess the credibility of both. Some issues are more black and white than others, such as minimum requirements of insurable hours in order to qualify for benefits, the benefit rate, or the length of the benefit period. Other issues, most specifically those involving leaving employment voluntary, dismissal for alleged misconduct or the extent of self-employment, are more difficult. Then there are the major fraud cases. I have handled them all. In fact, the more difficult cases are reserved for me. This is because I write decisions that explain the reasons in clear language so that all parties understand why we arrived at our decision.

Thank you.

The Vice-Chair: Thank you. We begin questioning with the official opposition.

Ms Scott: Thank you for appearing here today. You've mentioned that you were a Liberal candidate in 1995.

Ms Martin: Yes.

Ms Scott: Are you presently a member of the Ontario Liberal Party?

Ms Martin: Yes.

Ms Scott: And you've made donations to the Ontario Liberal Party?

Ms Martin: Yes.

Ms Scott: You are presently also the chair of the board of referees.

Ms Martin: Yes.

Ms Scott: If you are successful in this appointment, you will be—

Ms Martin: I'll be resigning that position.

Ms Scott: You'll be stepping down.

Ms Martin: My term is up in September, anyway.

Ms Scott: So you have always wanted to be on this board? How did you hear about this appointment? You applied for it?

Ms Martin: As I said, the first time I heard about it was when the Ontario Rental Housing Tribunal was first set up and an advertisement appeared in the Globe and Mail. I thought that my experience and skills were directly relevant to that position. So when the government changed—one that is maybe more friendly to my background—then I applied again. So whenever something came up—

Ms Scott: This is the board that's been of major interest to you over time?

Ms Martin: Yes.

Ms Scott: You've applied to a lot of boards before, and you are presently. You seem to be very interested in full-time employment on the board.

Ms Martin: Yes.

Ms Scott: So is it more a full-time appointment or more a passion for the board, I guess is what I'm asking.

Ms Martin: It's a passion for social issues in general. I have been interested in social policy my whole adult life. The rental tribunal, I feel, has the most direct relevance to what I'm doing now, since I see the power relationships between employers and employees to be similar to landlords and tenants. I've seen bad employers and I've seen bad employees, and I know they can be on both sides.

0900

Ms Scott: I guess many people who are going to appear before the tribunal have little or no experience in dealing with tribunals, and a lot of times, from what I gather, they appear on their own behalf. Do you have any comment on how you'd make sure those individuals felt comfortable appearing before you and how you'd ensure they would be able to effectively present their side of the case?

Ms Martin: I have a way of making people feel comfortable. In the present job, I emphasize the fact that it's informal, and if they appear at all nervous, then I make sure to let them know that they don't have to be, that we will make sure we hear them, and to just relax and tell their story.

Ms Scott: So if you don't feel they could adequately represent themselves, would you delay? Would they be able to appear before you again?

Ms Martin: There have been times where I have felt they needed some assistance. I ask whether there is somebody who could help them, in which case—I don't want to prompt them too much on adjournments, because that takes taxpayers' money, but I am interested that the process be absolutely fair, that we do hear their story. This happens more when the claimant sends a representative who was not there; it's a second-hand account. I can remember one case when the mother of the claimant came, and I basically led her to believe that it would be better if the young man came in himself so he could tell us his story.

Ms Scott: Do you have time to review the cases to see if there might be a possibility to intervene before they come before the tribunal?

Ms Martin: Sometimes, when I think something is really missing. We get an appeal docket prior to the hearing so we can review the written material and summarize it before I actually go into the hearing, because we have very little time afterward to make a decision and write it. Sometimes, when I think there is something glaringly missing from the docket, I will send an e-mail and try to speed up the process to avoid an adjournment. Nobody wants adjournments.

Ms Scott: On May 5 and June 14 of this year, Tony Ruprecht from the Liberal Party read a petition and added his name to it to, among other things, "shut down the notoriously pro-landlord Ontario Rental Housing Tribunal." How do you feel about that, that one of the Liberal caucus members feels the tribunal should be shut down?

Ms Martin: I think he's entitled to his opinion. I have no opinions yet whether it should be or not, because I haven't—well, I did read the act and the guidelines before going to an interview and test, but I would have to have more experience in the job before I could give an opinion on that. I certainly wouldn't offer an opinion unless I was specifically asked.

Ms Scott: But you know quite a bit about the tribunal right now and you feel it has a role, obviously, because you're going on it.

Ms Martin: Yes.

Ms Scott: The Liberal government is also planning to make changes to the Tenant Protection Act this fall. Right now the Ontario rental market is working better than it ever has. Vacancy rates are at record highs and predicted to be rising, the vacancy rates are highest at the lowest end of the market and rents have been falling for the first time since 1975. Do you think it's right for the government to be scrapping a law that's clearly working for tenants at this time?

Ms Martin: That's not up to me to say. My role, should I be given this appointment, is to apply the legislation that's in place and, as changes are made, to conform to those. I don't see my job as influencing policy.

Ms Scott: Do you worry that the government's proposed changes could result in more cases being heard by the tribunal?

Ms Martin: Would it result in more cases? I can't say.

Ms Scott: All right. That's fine. I know I'm getting close to my time.

The Vice-Chair: Mr Kormos, any questions?

Mr Kormos: Howdy, Ms Martin. You got your BA in 1982. Any other academic work since then?

Ms Martin: Since then? No.

Mr Kormos: Who did you run against in 1995?

Ms Martin: Margaret Marland. I ran against her in 1999 too. I did much better in 1999, and this year we did even better.

Mr Kormos: Yes, but you weren't the candidate this year. How did you get to the board of referees for EI?

Ms Martin: My MP.

Mr Kormos: Who is that?

Ms Martin: Paul Szabo. He called me after the 1995 election and said, "Hey, would you be interested?" He knew I was in between things at that time and a bit at loose ends. He suggested it and thought that my experience would be valuable, so that's how I got that one.

Mr Kormos: Your term expires and you don't expect to be reappointed?

Ms Martin: I've been there for three three-year terms. My understanding is, that's it, that chairs do not get reappointed for three terms. Also, the government could change.

Mr Kormos: I suppose it could. People should be sucking up to Jack Layton right now because he's liable to have more power than the next Prime Minister.

You're here and you sort of did a shotgun application—Ms Scott was talking about that as well—where you applied for the Ontario Rental Housing Tribunal, the Workplace Safety and Insurance Appeals Tribunal, the Social Benefits Tribunal, the Assessment Review Board, the Ontario Municipal Board etc. That was a pretty shotgunny approach. Help me with that.

Ms Martin: I just think that my skills in chairing the board of referees are directly transferable to any other adjudicative tribunal. I've never been a narrow-focus person. I've been more of a generalist as far as policy. I've had to be, as a candidate. That's why I felt that any of those tribunals could use my skills.

Mr Kormos: Who's your Paul Szabo this 'round?

Ms Martin: I don't have a Paul Szabo this 'round.

Mr Kormos: You don't have a member who has—

Ms Martin: I have a supportive member, but I didn't go through him.

Mr Kormos: Fair enough. I want to know about the relationship with that member.

Ms Martin: The current member, Tim Peterson?

Mr Kormos: Yes.

Ms Martin: I helped him in the provincial campaign. I did an awful lot of canvassing, since I have quite a bit of experience in that. But he's not the one who initiated this process.

Mr Kormos: Sure, I appreciate that. But you certainly let him know you're applying.

Ms Martin: I'm not sure. I think he found out later in the process.

Mr Kormos: Ms Martin, you've been around political circles for a long time now. You surely knew how effective Paul Szabo was in getting the appointment to the board of referees. You talked to somebody. You'd be naive not to have. Who did you talk to?

Ms Martin: Who did I talk to? I asked the contact at Queen's Park who had responsibility for our riding how I go about applying for agencies, boards and commissions. That's how I found out that you go through the Public Appointments Secretariat.

Mr Kormos: Who's that contact?

Ms Martin: Ralph Martin.

Mr Kormos: Where does he work out of?

Ms Martin: I don't know where he works now. He was in Queen's Park.

Mr Kormos: I don't understand you.

Ms Martin: He was in Dalton's office.

Mr Kormos: Responsible for your riding? I don't understand how that works. I've been here a long time and I still don't understand.

Ms Martin: There's a staff person who oversees a group of ridings and we were in the group where Ralph was our contact if we had questions or whatever.

0910

Mr Kormos: How do you find that out? How do you find out there's a contact for your riding, should you have questions?

Ms Martin: I've been active in the riding for a long time.

Mr Kormos: Right. You're on the executive of the riding association?

Ms Martin: I am now. I wasn't then. I was a past candidate, so ex officio.

Mr Kormos: I want to understand, because this is news to me that there are contacts in the Premier's office in charge of respective ridings.

Ms Martin: They're not in charge; they're just our contact person who we turn to when we don't know where to turn.

Mr Kormos: OK. How did you find out that Ralph Martin was your contact person?

Ms Martin: He's visited our riding.

Mr Kormos: OK, and he's explained that he's the contact person?

Ms Martin: Mm-hmm.

Mr Kormos: OK. What is his role as the contact person? You've got me off on a little side issue, but this is intriguing.

Ms Martin: I'm not entirely sure what his complete responsibilities are. I've just found that when I contacted him, he was able to give me the answers to my questions.

Mr Kormos: OK. So it was Ralph who you contacted about your application to all these tribunals?

Ms Martin: I asked him how does one go about applying to a provincial tribunal, and that's how I found out about the Public Appointments Secretariat. I submitted an application to them.

Mr Kormos: To the Ontario Rental Housing Tribunal, the Workplace Safety and Insurance Appeals Tribunal, the Social Benefits Tribunal, the Assessment Review Board and the Ontario Municipal Board. What did "etc" mean? Anything else they might have at the moment?

Ms Martin: Any other administrative tribunal.

Mr Kormos: What do you think about the impression of patronage?

Ms Martin: I'm not completely comfortable with it, because I wish that the last time around, when I had the qualifications, the Conservative government would have seen that I was eminently qualified for that job and would not have disregarded my application just because I'm a known Liberal.

Mr Kormos: Is that why they disregarded it?

Ms Martin: They never answered. I know there are at least 30 members who have been appointed to the rental

tribunal, and I have no idea what their backgrounds are, whether they were better than mine. I didn't get a response from them. I went to the interview, I wrote the test. I was never told whether I passed the test and the interview or not. I just never heard from them again.

Mr Kormos: There was no follow-up?

Ms Martin: I tried to follow up with Margaret Marland.

Mr Kormos: Margaret, yes. And?

Ms Martin: She suggested that certain civil servants might be qualified to do that job, and that's all.

Mr Kormos: Did you have a contact person then to make inquires, to give you some direction or guidance?

Ms Martin: In the party at that time? No.

Mr Kormos: In the party. Are you talking about party contacts or governmental contacts?

Ms Martin: I would think that the person one should go most directly to is the MPP in that case, which is where I went. I didn't go any further with that.

Mr Kormos: Because the MPP should assist you in your search for a position.

Ms Martin: I had hoped. She certainly knew me.

Mr Kormos: And Mr Peterson—his assistance in your search for this position?

Ms Martin: At that time? He wasn't around.

Mr Kormos: No, at this time.

Ms Martin: Oh, at this time. He didn't assist me, as far as I know.

Mr Kormos: Did you ask him? Did you think you had to?

Ms Martin: No.

Mr Kormos: Did you think it was enough to contact—Ralph Martin knew who you were.

Ms Martin: There are a bunch of people who know me.

Mr Kormos: Of course.

Ms Martin: I know quite a few of the cabinet ministers.

Mr Kormos: We all operate in small circles in the total scheme of things.

Ms Martin: Some circles are smaller than others, yes.

Mr Kormos: So a whole bunch of cabinet ministers as well?

Ms Martin: Yes, a bunch of key cabinet ministers know who I am, as does the Premier.

Mr Kormos: Is that why you contacted the Premier's office before you contacted the appointments secretariat?

Ms Martin: That's the contact.

Mr Kormos: You wanted to let the Premier's office know that you were applying for the position.

Ms Martin: I wanted to follow the process, and so I wanted to know where to go directly. Not necessarily to let the Premier know I was applying, but asking how does one go about—

Mr Kormos: You're an experienced woman. You know there are Web sites with the Public Appointments Secretariat.

Ms Martin: I know.

Mr Kormos: You know that. Come on, Ms Martin.

Ms Martin: That was the shortest way of doing it.

Mr Kormos: That's right. It was the way of letting the Premier's office know at the same time that you were applying for it.

Ms Martin: Oh, well, if you want to impugn that motive—

Mr Kormos: No, I wouldn't expect you not to. You've been a candidate, twice. Lord love a duck. Of course the Premier's office should know.

Ms Martin: I assumed he'd find out somehow, or his people would.

Mr Kormos: Yes.

Ms Martin: But that wasn't the motive behind it. I just thought I had a better chance this time around than the last time.

Mr Kormos: Because it was a Liberal government and you were an active Liberal.

Ms Martin: Yes.

Mr Kormos: OK.

Ms Martin: Is that a sin?

Mr Kormos: Well, it all depends where you are in the country right now.

The Vice-Chair: Thank you. That concludes your questions, Mr Kormos?

Mr Kormos: Thank you, ma'am.

The Vice-Chair: Thank you. On the government side are there any questions?

Mr Berardinetti: No questions, thank you, Madam Chair.

The Vice-Chair: OK. Thank you, Ms Martin, for coming in. That concludes the interview. You can go about your day and you'll hear from this committee at another time.

Ms Martin: Thank you.

JOHN RICHARDSON

Review of intended appointment, selected by third party: John Richardson, intended appointee as vice-chair, Ontario Pension Board.

The Vice-Chair: We're running a little bit early, but I'm hopeful that our fourth interviewee is here. That would be Mr John Richardson, who is the intended appointee as vice-chair of the Ontario Pension Board.

Welcome, Mr Richardson. Please have a seat at the table. Mr Richardson, as you may be aware, you do have an opportunity, should you wish to do so, to make an initial statement. Subsequent to that statement there will be questions asked from all parties. Members of the committee will be asking questions. Each party will have about 10 minutes allocated for those questions. Any statements that you choose to make at the beginning, we'll deduct that time from the government question period. We will ask the members to go in rotation. I believe that the first question is to be asked by Mr Kormos. First, you can make your statement, and then we will go on to the questions. Please go ahead.

Mr John Richardson: Thank you. It's a good thing I was early. We can move the process along. This is

actually my first visit to Queen's Park. I've lived in the city for 70 years and I've never been in the Parliament Buildings. I should have spent a little bit longer looking around, but I'll do that after the meeting.

I'm John Richardson. I appreciate the opportunity to appear before the committee and provide you with the information you need to satisfy yourselves on my appointment. With your permission, I will make a few opening remarks and then answer any questions you might have.

I assume you have a copy of my resumé that I shared with Mr Phillips, but if you do not, I have a couple of extra copies I can provide you with afterwards.

You'll see from the resumé that I really had four careers. The first was getting an education. I attended the University of Toronto, graduating in commerce in 1954; so we celebrated our 50th anniversary of the graduating class. I graduated in the top 10% of the class.

After obtaining a chartered accounting degree from Queen's and the Institute of Chartered Accountants of Ontario in 1957, where I graduated in the top 20 in Ontario, I went on to the Harvard Business School a few years later and graduated in 1965.

In recognition of the service I'd made to the profession, in 1982 I received an honorary fellowship from the Institute of Chartered Accountants of Ontario.

The next career really started after graduating from the Harvard Business School. I returned to Canada and joined Clarkson Gordon as a partner, and for more than 20 years I was a senior partner on many of the firm's largest audits.

Career number three started in 1986 when, not wishing to retire at 60—we had a mandatory retirement age at the firm at that time—I joined the Brascan, Trilon, London Insurance Group as deputy chairman of London Insurance Group and became the executive in charge of their general insurance operations. I was involved in buying and selling a number of businesses as CEO of Wellington Insurance, president of Great Lakes Power and chairman of a number of other entities, including London Guarantee and Meloche Monnex. In 1998, Great West Life purchased London Insurance Group, and shortly thereafter I retired to commence career number four.

I'm now a director of several companies, including chairman of the Boiler Inspection and Insurance Co of Canada, a subsidiary of the American insurance group in the US; Research in Motion, which is a great Canadian technology success story in Waterloo; a company called Armtec; and the Ontario Pension Board, to which I was appointed two years ago. In that capacity I was chairman of the audit committee and was recently nominated as the lead director, following which we undertook a governance review that adopted, among other recommendations, to separate the position of chair and CEO. We revised the organization structure and we're working on reviewing the statement of investment policies.

0920

I look at the OPB directorship as an opportunity for continued public service—a field in which I have been really active for more than 40 years. During this period I've been chairman of the United Way of Toronto, chairman of the board of trustees of the Toronto Rehabilitation Institute, which is the old Queen Elizabeth Hospital, a board member of the Toronto Community Foundation, a former board member of Mooredale House, chairman of the southwest Toronto regional hospital council, active on a number of school and church boards, as well as a board member of the Insurance Bureau of Canada and the Facility Association.

Based on the above, plus my more than two years on the board, and the continuity I provide, I believe I'm qualified for this appointment. I believe continuity is particularly important at this time, with the increased board turnover caused by pending retirements and newly appointed members.

In closing, I would just comment that June 23 is a memorable date for me for at least two reasons: appearing before this distinguished body and because Pam and I are celebrating our 43rd wedding anniversary today. I believe Pam might put them in a different order. She would probably put the wedding anniversary first and appearing here second.

That's my statement. I'm happy to answer any questions you might have.

The Vice-Chair: Mr Kormos, any questions?

Mr Kormos: You and I probably disagree so much about insurance policies—

Mr Richardson: I knew, Peter, when I saw you sitting there, that was maybe an inappropriate remark, but that's not the purpose of this discussion.

Mr Kormos: I was hoping maybe in your senior years you're becoming a convert to public auto insurance. I'm not sure. I read your body language.

Mr Richardson: As a shareholder of a few companies, I might have a problem with that.

Mr Kormos: Look, obviously, you're well-qualified. I don't want to judge people who called you here.

Chair, are the resumés not available to people when parties select persons to appear before the committee? Oh no, I have your resumé.

The Vice-Chair: Yes, they are.

Mr Kormos: In that case, having read your resumé and, again, not passing judgment—you see, what happens here is that sometimes, because the committee exists, parties feel compelled to call people to appear before the committee just because the committee is sitting and it has to fill in the spaces. For the life of me, I think it's a wacky sort of thing, because your resumé, in my view, speaks for itself. You're eminently qualified. I don't know why you're here today.

Mr Richardson: I asked myself that question. I guess I was appointed by the Conservatives, confirmed by the Liberals. I'm saying to myself, "Why are they picking on me?" For whatever reason, I'm here and I'm happy to answer any questions you might have.

As I say, I look at this as a continuation of public service. I think at the present time there are a number of things that have to be done on the board. One of the

members is retiring. There's another member who may well be retiring in November. We're a seven-man board and one of our recommendations is to increase the size of the board. Another recommendation is to separate the chair and the CEO position. So there are things that have to be done on the board and, at this time, in my view, continuity would be an important criterion for the vice-chair position. I'm quite comfortable to fill in that position until such time as a chair is appointed.

Mr Kormos: Thank you, sir. I'm trusting that the committee will have no hesitation in confirming your appointment. I appreciate your coming regardless of how meaningless it is for you.

Mr Richardson: We can talk afterward.

Mr Kormos: And you get to visit the building. Take the tour.

Mr Richardson: I will take that opportunity.

Mr Kormos: Stick around for question period.

Mr Richardson: It is magnificent. I think it's one of the treasures. I've always thought Osgoode Hall was certainly the number one building when tourists come to town, until I stepped through the front doors here and saw—and there's been a lot of work done on this building. I recognize that. This is a fantastic piece of architecture.

Mr Kormos: Until a few years ago, there was rubber-backed red carpet glued on to all of the mosaic and all of the hardwood out there. Tradespeople were in here on their knees, some very elderly ones, working on the mosaic, literally painstakingly scraping that stuff off. It's a shame that was ever done, but it is a beautiful building and you've paid for every penny of it—you and the taxpayers.

Mr Richardson: I know that.

The Vice-Chair: Just for clarification, Mr Kormos, the certificates come forward with just a brief paragraph or so describing the background of the intended appointee. It's sometimes not adequate in regard to the detail. The full resumés, the full CVs, are not provided.

Mr Kormos: Thank you, Chair. Again, I'm not a member of the committee and far be it from me to tell the committee what to do, but maybe if resumés were available to the committee—they're certainly in the system somewhere—it might help committee members and the caucuses fine-tune their selection process. In my view, the goal here is to pick out the dogs, the ones whose appointment is perhaps worthy of questioning, not the Mr Richardsons.

The Vice-Chair: Are there any questions from the government side?

Mr Berardinetti: Just a quick point. I don't know if it's a point of order or not. The agenda does say this was a selection by the third party, so I don't understand. I think the NDP called Mr Richardson here.

Mr Kormos: We didn't have a resumé. That's why. We just found that out.

Mr Berardinetti: Those are all our questions.

The Vice-Chair: Yes, that's likely the problem.

Ms Scott, do you have any questions of the intended appointee?

Ms Scott: A very impressive resumé. Thank you for appearing here today. You've been a board member since 2002 and you're going to be vice-chair—I think we're all in agreement. Do you see your role changing? What direction would you like to see, and is there a possibility you may be getting groomed for the chair, in which case we might not see you again?

Mr Richardson: Well, that's up to the minister. I would be surprised but honoured if in fact I was invited to consider that situation. I'm more or less fully retired, so I don't want to become too busy in my retirement. But I think I have a reputation that if I take something on, I put the appropriate amount of time into the job and do a good job.

There are a number of things that require some consideration at the board at this time. There are some organizational positions that have to be filled, a number of senior people who will be retiring, so one of the major tasks will be finding the appropriate people to fill those spots. The major position, I guess, is Bob Kay, who is retiring in a year and a half. He's been the senior investment officer for quite some number of years. Our performance has been, as you can see from the record, much better than average. It's probably almost the best of any pension fund. So we've got a model that works, but it works under Bob Kay, and whether the model will have to be modified in the future is a question that will require some thoughtful consideration going forward.

There are other sorts of things that we're working on. We're trying to restructure the upper level of management so it's more cohesive, works better together and eliminates overlapping lines of authority, that sort of thing.

There are a few immediate considerations. There is a new board member, I believe, coming on in July who has some investment background. So that will be helpful to us.

I'm really looking forward to the opportunity of working with the employees. They're a very fine group of people who have, I think, done an excellent job in managing the monies entrusted to them and ensuring that the pensioners of Ontario receive their pensions when they retire.

We've had a conservative investment philosophy and I think it has served us well. One of the things we've been blessed with, of course, is some foresight in retaining the 11.75% Ontario debentures that we were blessed with when we were set on our path in 1990, I think. Some of our fellow pension fund people decided to monetize those investments; in fact, they got rid of them. I guess we were lucky enough or smart enough to retain them, and 11.75% coupons in a low-interest environment look very good. So that's been a major contributor to the performance of the fund.

0930

We have diversified the real estate investments slightly, maybe to the extent of 10%, but they have also

followed the same philosophy: conservative income streams that are relatively assured. They are providing a return of 9% or 10%, something around there.

Ms Scott: Well, you certainly have an impressive background. I do like the continuity, and so we'll certainly be in favour of your appointment. Thank you for appearing here today.

The Vice-Chair: Thank you very much, Mr Richardson. That concludes the interview.

SEAN STRICKLAND

Review of intended appointment, selected by official opposition party: Sean Strickland, intended appointee as member, Social Benefits Tribunal.

The Vice-Chair: Our next interview is with Sean Strickland, an intended appointee as member of the Social Benefits Tribunal. Mr Strickland, can you please join us.

Welcome. Thank you for attending. As you may be aware, Mr Strickland, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there are questions from members of the committee. Each party receives 10 minutes of questions, and we go in rotation. Any time that you take in your statement will be deducted from the time allocated to the government party. With that, I want to welcome you, and ask you if you'd like to say a few initial words.

Mr Sean Strickland: Yes, thank you, Madam Chair. I would like to make a statement.

Thank you, Madam Chair and members of the committee, for providing me with an opportunity to appear before you today and outline some of my career and life experiences that will help support my application to be appointed to the Social Benefits Tribunal.

From 1990 to January 2004, I was employed as the executive director of the Food Bank of Waterloo Region in Kitchener, Ontario. Over this time period, I have become well educated in the challenges that low-income people face and, in particular, families who are on either general welfare—Ontario Works—or ODSP, the Ontario disability support program.

The Food Bank of Waterloo Region, in co-operation with its member agencies, provides emergency food hampers—a hamper contains enough to feed your family for two to three days—to approximately 10,000 people a month throughout the greater Kitchener, Waterloo and Cambridge area. More than 50% of emergency food recipients list either Ontario Works or ODSP as their primary source of income. Over the years, I have become quite familiar with welfare legislation, regulations and policy, and how such policy can have a direct effect on people receiving assistance.

You will notice from my resumé that I have spent nine years in municipal politics, first as a public school trustee with the Waterloo Region District School Board, then as a regional and city councillor with the city of Waterloo, and from 2000 to 2003 as a regional councillor with the region of Waterloo and chair of the community services committee. This standing committee of regional council is responsible for all income maintenance programs administered by the region, in addition to having responsibility for public health.

My experiences of chairing committees at the school board and at regional council will serve me well as a member of the Social Benefits Tribunal. An effective chairperson has to listen intently to all of the opinions that are presented and ensure that the business of the committee moves forward. Similarly, as a member of the Social Benefits Tribunal, you have to have the ability to listen fairly to both sides and ultimately make a reasonable and informed decision.

I also fully recognize that the role of members of the Social Benefits Tribunal is to hear appeals from social assistance applicants or recipients about the denial, termination or reduction of welfare benefits under the appropriate legislation. As such, my role, if my appointment proceeds, would be to review appeals and make decisions based on the existing legislation. It is quite clearly the role of the Legislature to make the laws, and as the Social Benefits Tribunal is considered quasi-judicial in nature, all members of the tribunal must conduct themselves in an impartial manner and not be subject to outside influence.

I have had numerous other experiences working with disadvantaged populations, including guiding the region of Waterloo through the initial phases of developing a comprehensive and very successful affordable housing strategy. I also chaired a committee, the employment and income support advisory committee, which was comprised of employers, non-profit agencies, government representatives and Ontario Works and ODSP clients. This committee was a sounding board for administrative staff, who were able to gain insight into how the Ontario Works programs were actually functioning and how improvements could be made. Often the committee would be a sounding board for concerns from the client representatives, and as chair, I would often have to facilitate discussions between clients and staff representatives with respect to benefit levels and supplementary assistance.

Other direct experience includes working with Ontario Works recipients at the food bank, as volunteers and also as participants in job training programs. The food bank is a big place, 32,000 square feet of warehouse space, with tow motors, trucks, vans, pickups, freezers, forklifts: an ideal place to train people on how to work in a warehouse. In 2002, we partnered with the region's social services department, and three times a year, for six weeks at a time, the food bank actively trained Ontario Works recipients in warehouse operations. The program is quite a success, and many trainees were able to complete the training and find gainful employment.

As you are no doubt aware, I was a Liberal candidate in both the 1999 and 2003 provincial elections. Like most people who seek public office, I did so with the intent to serve my community and improve the lives of our citizens. I see my potential appointment to the Social Benefits Tribunal as an extension of my desire to con-

tinue my career in public service and would very much welcome the opportunity to do so.

Thank you for your time, and I am prepared to answer any questions you may have, Madam Chair.

The Vice-Chair: Thank you, Mr Strickland. The first people to ask questions are the members of committee from the government. Any questions?

Mr Berardinetti: No questions, thank you, Madam Chair.

The Vice-Chair: Ms Scott, any questions for the intended appointee?

Ms Scott: Yes, thank you, Madam Chair. Thank you, Mr Strickland, for appearing before us. You mentioned you were a Liberal candidate in the past. Are you presently a member of the Liberal Party?

Mr Strickland: Yes, I am.

Ms Scott: Have you been a financial supporter of the Liberal Party?

Mr Strickland: Yes, I have.

Ms Scott: How did you hear about this appointment?

Mr Strickland: Through the Web site.

Ms Scott: So you were looking for an appointment with community service?

Mr Strickland: That's correct.

Ms Scott: Do you know how much this appointment pays?

Mr Strickland: Not exactly. I think it's approximately $68,000.

Ms Scott: I'm not sure myself. That's why I was asking.

I certainly commend you on all your community involvement in the past and your contributions to your community. I know that you've worked extensively on behalf of people. A lot of the people who do appear before the tribunal don't have a lot of experience and may not be able to represent themselves. I asked this question earlier today too: Could you describe what you would do to make them feel more comfortable if they felt that their case hadn't been presented adequately by themselves?

Mr Strickland: Never having really experienced and seen how a tribunal operates, other than OMB hearings, which I think are much more formal, I think it's important for the chair in a Social Benefits Tribunal setting to recognize the particular kinds of circumstances and some of the different challenges people may have coming forward to the tribunal and try to ensure that the atmosphere is as comfortable and as supportive as possible so that the person who's appealing the decision feels comfortable in making their presentations.

Ms Scott: Are you going in as a member or as chair?

Mr Strickland: Member.

Ms Scott: As a member. OK. Do you have any adjudicative or mediation experience?

Mr Strickland: None formally, other than the experiences I've had in various settings that I described in my opening statement. I understand that there is training available and that training will help develop my skills in an adjudicative manner.

Ms Scott: Have you ever represented anybody appearing before the Social Benefits Tribunal?

Mr Strickland: No, I have not.

Ms Scott: Will you be stepping down from your position as the executive director?

Mr Strickland: Right. I'm no longer currently employed by—

Ms Scott: I'm sorry; I missed that. Now, you're still a trustee, though?

Mr Strickland: No, I'm no longer a municipal politician. It all kind of ended in 2003.

Ms Scott: Did you run again, or did you just—

Mr Strickland: No, I decided not to run.

Ms Scott: OK, that's fine. Those are all the questions I have. Thank you for appearing before us.

The Vice-Chair: At this point, there will be no questions from the New Democratic Party, as the member from that party has left the room and is not here to ask any questions. Thank you very much for having attended. You can now step down and go about your day.

Mr Strickland: Thank you very much.

The Vice-Chair: Members of committee, I believe we should likely take a recess. Our next interview is not scheduled until 10:30, although people are asked to arrive half an hour in advance. Let's recess till 10:15, if that's all right.

Mr Berardinetti: I think we asked a staff member to see if we could find the next appointee. Could I just take a very quick look out the door?

The Vice-Chair: Certainly. If that would expedite the work of the committee, I have no problem with that.

No luck, I suppose?

Mr Berardinetti: No luck.

The Vice-Chair: If you like, we could come back at 10 in hopes that the interviewee would have arrived by 10, half an hour in advance. Is that fine?

Mr Berardinetti: Yes, that's fine.

The Vice-Chair: All right. So we can reconvene at 10 o'clock.

The committee recessed from 0942 to 1006.

The Vice-Chair: Members of the committee, I think we have enough members to start our process with the sixth interview of the morning. So if it pleases the committee, I will then move along and ask for our sixth interview to commence.

DAWN BENNETT

Review of intended appointment, selected by official opposition party: Dawn Bennett, intended appointee as member, Ontario Heritage Foundation.

The Vice-Chair: Our sixth interview is with Dawn Bennett, an intended appointee as member of the Ontario Heritage Foundation.

Ms Bennett, if you want to come forward, thank you very much. Have a seat. As you're getting yourself comfortable there, I'll let you know, as you may be aware, that you have an opportunity to make some com-

ments if you choose to do so at the beginning, to make an initial statement.

Subsequent to your initial statement, there are questions that will be asked from members of the committee. The way we do it is that each party will have 10 minutes allotted to them to ask questions of you. We will go in rotation. Any time that you determine you wish to take at the beginning, in terms of your own statement, will be deducted from the time allotted to the government party members.

With that in mind, welcome; you're free to go ahead and make your statement.

Mr Kormos: On a point of order, Madam Chair: Quorum, please.

The Vice-Chair: I believe you are correct. We do not have quorum at this time. We do have members of each party here to question and thought that we would be able to go forward. But without quorum, if you prefer, we will certainly recess for five minutes.

Mr Kormos: My preference is—

Mr Berardinetti: Madam Chair, if I may speak to it, I know that one member is in the washroom. We tried to get this member to be here a bit earlier so we wouldn't have to recess and have this problem. If you can just indulge us for two or three minutes, I'm sure the member will come back here. I don't—

Mr Kormos: Chair, it's not a matter of indulgence. The clock started running when I called quorum.

The Vice-Chair: Yes. We'll take a five-minute recess and hope the members come back to the committee in adequate time to reconvene.

Mr Kormos: Thank you, Chair.

The committee recessed from 1008 to 1010.

The Vice-Chair: Committee members, we have now achieved quorum. I would like to reconvene the meeting and begin the interview process.

As I mentioned, Ms Bennett is here to be interviewed. I have already indicated what the process is. After that delay, Ms Bennett, you can now go ahead and begin with your initial statement. Thank you for waiting for us.

Ms Dawn Bennett: Madam Chair and honourable committee members, I'd like to thank you for this opportunity to appear before you today. From both a personal and a professional perspective, I'm interested in the work of the Ontario Heritage Foundation and would be truly honoured to contribute as a volunteer to the pursuit of its objectives. By way of an opening statement, I might make three points in this regard.

First, one of the many activities of the Ontario Heritage Foundation is the stewardship of our province's built and cultural heritage, including the 22 built heritage sites that the foundation currently holds in trust. From a personal perspective, I grew up in a little town called St Marys, in southwestern Ontario, which has a wealth of local architectural heritage sites. My father has an inherent love of history and spent a great deal of time educating his children about the heritage that surrounded us on a daily basis.

St Marys is home to the Junction Station, which is one of the earliest stone rail stations, built in the mid-1800s by an architect of the name Gzowski, who was Peter Gzowski's great-grandfather. The Junction Station has since been designated a national historic site. In addition, the St Marys town hall, in which I was married, is a magnificent Gothic edifice built in 1896, entirely of limestone from our local quarries, by an architect from nearby London by the name of Humphris. Many of you may not know that the Eaton brothers, George and Timothy, originally owned a general merchandise shop in St Marys in the mid-1860s, before they went their separate ways in the retail business. My father owned that store for a number of years. The Carnegie library in St Marys will be celebrating its 100th anniversary this year. The Opera House, which was built in the early 20th century, after World War I, was dedicated several years ago by then-Governor General Jeanne Sauvé. In addition, the St Marys water tower is one of the earliest still surviving water towers and was recognized for its 100-plus years of service as such by the North American pipe manufacturers about 20 years ago.

My father instilled in me as well as my siblings the importance of recording and preserving our local heritage for not only our children but also for future generations. My husband and I then bought our first home in Cabbagetown, which was a mid-1800s row house in much need of exterior restoration. So we took out membership with the local Cabbagetown Preservation Association and began our research into how we should go about restoring our home's exterior to its original beauty. Through the CPA, we learned of a local contractor who had done many Cabbagetown restorations, and they helped us restore the home to its original glory. My husband, our twin daughters and I now live in the beautiful highlands of Caledon, and our present home backs on to the Caledon trailway, which is a wonderful hiking trail that intersects with parts of the Bruce Trail at various junctures.

The Ontario Heritage Foundation also helps to ensure that Ontario's natural heritage remains a viable and significant part of our future by holding in trust more than 130 natural properties, over 90 of which are part of the Bruce Trail. Caledon, in addition, has both the Oak Ridges moraine and the Niagara Escarpment running through it and represents a wonderful example of the natural heritage of our province. On both a personal and professional level, I've seen how the protection and conservation of this natural heritage is so important for our future generations. As a real estate professional, I understand the concept of conservation easements, acquisition and dissolution of property. I encounter it in my profession regularly, and it's one of the perspectives I would bring to the table if I'm fortunate enough to be appointed to the foundation.

Secondly, the Ontario Heritage Foundation thrives due to the contribution, in no small part, of its many volunteers. When I worked for the Honourable Lincoln Alexander, the Lieutenant Governor, one of the greatest lessons that he taught me was the value of volunteerism and giving back to your community. Since that time, I've

been involved in a great number of community organizations as a volunteer, and I know first-hand what wonderful contributions volunteers can make to their communities.

Currently, I'm volunteering on the board of directors at the Abbeyfield Houses Society of Canada in Caledon, which is a not-for-profit community group that saw a huge need in Caledon for seniors' housing. This group has in fact stepped in to work with municipal councillors in the region of Peel to find a suitable property or land, to fundraise—in order to purchase that and have a home built on it. In fact, I've convinced the Honourable Henry Jackman, another former Lieutenant Governor and mentor of mine, to be our volunteer fundraising chair in that capacity. The aim is to build a 10-unit home where fit, elderly, yet perhaps lonely seniors in our community can live together and not have to leave the communities that mean so much to them.

The Ontario Heritage Foundation does work closely with and, more importantly, recognizes the great importance that volunteers bring in working to preserve their local heritage. I find that to be an extremely commendable part of the foundation's mandate.

Thirdly, the foundation's mandate does reflect my own personal and professional interests. The proposed reforms of Bill 60 and Bill 121, which the previous government drafted and the current government has in part mirrored, understand the importance of balance and respect: balancing the need to strengthen the mandate of the foundation and assisting municipalities to also assist the foundation in its preservation mandate, while at the same time having a balance and appreciation and respect for the rights of property owners.

I see this as a very positive development, and one that will allow the foundation to continue its exceptionally important objectives in preserving Ontario's heritage, a living legacy that allows us to understand our past, provides us with a context for the present and influences our future.

I thank you very much for this opportunity.

The Vice-Chair: Thank you, Ms Bennett. The rotation now would dictate that we ask Ms Scott first if she has any questions.

Ms Scott: Thank you for appearing here today and giving us your background. Lincoln Alexander is certainly a role model and mentor to learn from.

I noticed in your resumé that you were also the legislative assistant to the parliamentary secretary to the ministers of transportation and government services. Did you have more than one boss in that?

Ms Bennett: No, that was the member for Dovercourt, Tony Lupusella. He started off as PA to Ed Fulton, who was the Minster of Transportation at the time, and was then moved to PA to, I think, Richard Patten, who was Minister of Government Services.

Ms Scott: OK, that's very good.

You mentioned bringing in Bill 60, the Ontario Heritage Amendment Act. We've been working with the other parties and there are a few recommendations that we would like to see in it. A five-year review of the legislation to make sure that it's working well might not be going far enough, and it might be going too far. Also, I'd like to see actual value assessment of the affected properties. If the property is culturally significant, it might lose some commercial value after being designated, which is basically protecting property rights. We'd like to see the powers in the act vested with the Lieutenant Governor in Council, which is cabinet, as opposed to just the minister.

Do you think those are reasonable amendments? Do you have any comments on that? I know I just said it was a lot of information that I just said.

Ms Bennett: Obviously, I'd like to take more of an in-depth look at it. But in my mind, anything that would work to strengthen the mandate of the foundation and allow it to continue its preservation and conservation mission would be something that's positive, also bearing in mind my previous comments about balancing the need for respect and the rights of property owners as well.

Ms Scott: It's a very fine balance. They're saying historical districts are the wave of the future. I heard your comments about St Marys, and I know some of that history.

Definitely to give some more powers to the municipality—I know in my riding, in Lindsay, they demolished Sir Sam Hughes's house and there was nothing anyone could do about it, and the Boyd estate in Bobcaygeon as well. So I welcome those new powers that are coming.

Do you feel the municipalities and the powers that are coming down to them—can you think of any sites where this would be an important tool in protecting Ontario's heritage? I know that southwestern Ontario is predominantly where you're involved.

1020

Ms Bennett: Yes, not that I'm able to come up with it off the top of my head. I have no specific frame of reference that I can call upon for that.

Ms Scott: OK. I'll go into the usual round of questions here, so don't mind. Are you a member of the Liberal Party?

Ms Bennett: Yes.

Ms Scott: Have you been a financial supporter of the Liberal Party in the past?

Ms Bennett: The distant past.

Ms Scott: How did you hear about the appointment?

Ms Bennett: In the early spring I had a conversation with an acquaintance in the minister's office, Guy Bethell, and I was commenting to him how pleased I was to see Lincoln Alexander having been appointed as chair of this foundation. He happened to mention that there were some vacancies likely to be coming available and if I had an interest, perhaps I'd like to put in an application through the Public Appointments Secretariat, which I did.

Ms Scott: I'm sorry. You mentioned Guy Beckell?

Ms Bennett: Bethell.

Ms Scott: And what title does he have, what position?

Ms Bennett: To be honest, I'm not sure. He's in the minister's office. He's just an acquaintance, so—

Ms Scott: OK. So did you then go to the Web site to look, or were you notified by someone?

Ms Bennett: I did some research on it and then followed through with the Public Appointments Secretariat.

Ms Scott: Did you speak to anyone after that, or were you interviewed by anyone?

Ms Bennett: I just—

Ms Scott: Just submitted, and you were approved and—

Ms Bennett: I was contacted that I would be coming here today.

Ms Scott: OK. Thank you very much. That's all I have, Madam Chair.

The Vice-Chair: Mr Kormos, do you have any questions?

Mr Kormos: Yes, ma'am. Howdy, Ms Bennett. Jeez, two years working for Tony Lupusella. I'd expect to see a bunch of medals and honours awarded you for doing that. Lord, what a sainthood. Two years of Lupusella.

Now, this is interesting, because I'm not on the committee, right? I'm just stepping in today, some people will say because I've got time on my hands. We talked to folks earlier who underwent interviews. You weren't interviewed by anybody?

Ms Bennett: I had a briefing, but I wasn't specifically interviewed by anybody.

Mr Kormos: Wow. I've got your one-page resumé, right, and your cover sheet, which is sort of the application—I think you're going to be a good member of the board, by the way—and that's all you submitted?

Ms Bennett: Yes.

Mr Kormos: No other information, material?

Ms Bennett: There was none requested.

Mr Kormos: So nobody sat down with you and asked you—I mean, you've relayed to us, you've given us more information today in your comments about your interest in these matters than you've given anybody else in the Public Appointments Secretariat or similar circles.

Ms Bennett: About the same.

Mr Kormos: Who else have you spoken to, besides us, about your enthusiasm for this position?

Ms Bennett: I've spoken with the Public Appointments Secretariat.

Mr Kormos: OK. How did that happen? I'd just like to really get a handle on what the process is. I may be applying for one of these patronage positions someday. Go ahead.

Ms Bennett: When my application went in, I was contacted by them and went in for a briefing, a discussion, whatever you'd like to call it. It wasn't specifically an interview, I don't believe, but—

Mr Kormos: Tell us about that.

Ms Bennett: It mirrored almost what happened here today.

Mr Kormos: You didn't have to sit with politicians, right?

Ms Bennett: That's about the only exception.

Mr Kormos: Who did the interview?

Ms Bennett: Staff members of the—

Mr Kormos: Of the secretariat, insofar as you know. And how long was the interview?

Ms Bennett: I'd say 20 minutes.

Mr Kormos: You were executive assistant to the office of the LG, so you were working here at Queen's Park, from 1989 to 1997?

Ms Bennett: Yes. I was events manager with three Lieutenant Governors.

Mr Kormos: Quite right. Was that a full-time job?

Ms Bennett: Yes.

Mr Kormos: OK. Why did you call Lupusella—were they called parliamentary secretaries before—

Ms Bennett: Parliamentary assistants, at that time.

Mr Kormos: That's why I'm glad you asked that, Ms Scott. I thought you were working with the federal government, because you have "parliamentary secretary." That was when Tony had become a Liberal?

Ms Bennett: Yes.

Mr Kormos: Good luck with the foundation.

The Vice-Chair: That concludes the interview. Thank you very much for having coming in, Ms Bennett. You can step down at your leisure.

We're going to go on now to the appointments. We will consider the intended appointment of Joseph Sniezek, intended appointee as member of the Ontario Municipal Board.

Mr Berardinetti: I'll move concurrence.

The Vice-Chair: Concurrence in the appointment has been moved by Mr Berardinetti. Is there any discussion?

Mr Kormos: As I indicated when this gentleman was in the room, he was qualified, he was candid in his response to questions. On behalf of New Democrats, we have no quarrel with his appointment.

The Vice-Chair: Any further discussion? All those in favour? Any opposed? The motion is carried.

We will next consider the intended appointment of Jason Chee-Hing, intended appointee as member of the Ontario Municipal Board.

Mr Berardinetti: I'll move concurrence in the appointment.

The Vice-Chair: Any discussion?

Mr Kormos: I think his application was a particularly impressive one—a long-time career in the civil service. What was notable about both him and the applicant prior to him is that, notwithstanding that they hadn't tried to flesh out their resumés, both of them had taken programs, courses and academic work in the area of mediation and those sorts of things. I found it a particularly telling thing that this applicant, notwithstanding his impressive academic credentials and his impressive work background, obviously has a commitment to keeping on top of things, to constant upgrading. I think he's going to be a very good member of the OMB.

The Vice-Chair: Any further discussion? If not, all those in favour? Any opposed? The motion is carried.

We will now consider the intended appointment of Ieva Martin, intended appointee as member, Ontario Rental Housing Tribunal.

Mr Berardinetti: I'll move concurrence.

The Vice-Chair: Mr Berardinetti has moved concurrence in the appointment. Is there any discussion?

Mr Kormos: This applicant stands out today in contrast to other applicants. Again, I'm not disputing her candour, but she very much gives the impression of someone who was taken care of, as they say in those circles, after the provincial election of 1995. The Employment Insurance Board of Referees is, in my experience, a notorious repository for political hacks, something of a losers' club for people who lose elections, and then you get taken care of. I suppose there's nothing in the total scheme of things wrong with that. Ms Martin may indeed be as qualified as she portrays herself to be and she may be as skilled as she explains herself to be in terms of her three terms, I believe, on the board of referees.

I'm curious as to why—and again, nobody should be excluded from a position because of their political affiliation, but this one is so obviously a Liberal being taken care of. That's not to say that other people before the committee today haven't been Liberals. For instance, we'll consider later the application of Ms Bennett. Her CV, her work history, allows one to draw the inference that you don't work for Liberal MPPs or for Hugh Edighoffer—I should have made reference to Hugh when we were talking because I'm a fan of Hugh Edighoffer's—without having some political affiliation. But Ms Martin's is a pretty crass and blatant one, and it's going to be hell.

1030

She's a self-promoter; no two ways about it. The first-person pronoun was frequent in her narration of her skills during her comments to the committee. What's disturbing as well is how she wanted an appointment to anything. She even put "etc" after the list of boards' tribunals. She was ready to take a job. She needs a job. Everybody needs a job. But surely there are a lot of folks out there who have some special interest in the peculiar and painful issues that attach to tenants and landlords and the relationship, and I'm not sure that Ms Martin, because of her intimate relationship with the government in power, is necessarily the best.

I don't wish to diminish any of her talents, and I'm sure they are many, but I am troubled by someone who so brazenly, but candidly, acknowledges having had her first contact with Ralph Martin in the Premier's office. She's not a stupid woman. She knows how you go about making these applications. She knows there are Web sites. Nobody else here today did a wink-wink, nudge-nudge, "Let the Premier's office know that I'm applying for the position in the hopes that it will carry me through." Look, people should be calling upon their MPPs. She called upon her MPP, Ms Marland, last time around, but this time she said, "No, I'm not going to trust the MPP, I'm going to call the Premier's office. I'm going to go right to the source." She assumed that at some point they would know, out of Premier McGuinty's office, that she was applying and the fix would be in.

I'm not enthusiastic about her appointment. I think it's a wrong move. I think it is political patronage without overwhelming merit. And I say "overwhelming merit;" there's some merit here, but I am confident there's a whole lot of other folks who have applied for this position, a whole lot of folks with experience and background in advocacy for tenants, in dealing with difficulties specific and peculiar to housing and the shortage of housing and the incredible cost of housing, who would be a far more effective and productive and genuine participant in the Rental Housing Tribunal.

This will undoubtedly be portrayed as the Liberals here at Queen's Park taking care of a twice-defeated Liberal candidate. Lord knows, I don't envy this woman having to run against Margaret Marland in 1995 or 1999 in that particular riding, but at the end of the day, she would have been better off to have sought the nomination in 2003. She would have relieved herself of having to come cap in hand, having been taken care of for three terms by the federal Liberals and now, being apprehensive about the future of the federal Liberal Party and the patronage that could flow from their government, coming to the provincial Liberals. I don't think it's an appointment that should be supported.

The Vice-Chair: Are there any other comments? No further discussion? All in favour? Any opposed? The motion is carried.

We'll now consider the intended appointment of Mr John E. Richardson, intended appointee as vice-chair of the Ontario Pension Board. Is there a motion?

Mr Berardinetti: I move concurrence, Madam Chair.

The Vice-Chair: Concurrence in the appointment has been moved by Mr Berardinetti. Is there any discussion? No discussion? All those in favour? Any opposed? The motion is carried.

We will now consider the intended appointment of Mr Sean Strickland, intended appointee as member, Social Benefits Tribunal.

Mr Berardinetti: I move concurrence.

The Vice-Chair: Mr Berardinetti has moved concurrence of the appointment. Any discussion? Comments? If not, all in favour? Any opposed? The motion is carried.

We will now consider the intended appointment of Ms Dawn Bennett, intended appointee as member, Ontario Heritage Foundation.

Mr Berardinetti: I move concurrence.

The Vice-Chair: Mr Berardinetti has moved concurrence of the appointment. Is there any discussion?

Mr Kormos: As I indicated when Ms Bennett was sitting here with the committee, I'm confident that she is going to do a more than capable job as part of this heritage board and on behalf of the heritage community. What I found interesting about our conversation with her—she was very forthright in talking about the extent to which the appointments secretariat and its staff interviewed her—is the paucity of inquiries of Ms Bennett about her interest and background. I think we got lucky. The fact is, it appears from the brief time she spent with

this committee that one can assume she has the skills and the interest necessary to perform this role.

I think it should be of some concern that there is no consistency to the way the secretariat—you see, this committee can only spend a brief period of time with each and every nominee. There has to be some prior vetting or screening that gives this committee confidence that there's been a thorough inquiry into the background, the skills, the interest and the commitment of any given nominee. What we've learned today in the course of talking to several nominees is that there doesn't appear to be any real consistency in how the secretariat does that. I think this committee has to be assured, because it has only a few minutes to spend with each of these nominees, it has to be confident that there's been a thorough discussion with each and every one of these applicants.

Lord only wonders what the conversation with respect to the now successful nominee to the Rental Housing Tribunal, Ms Martin, would have been about, between her and the Public Appointments Secretariat. I encourage the committee to support Ms Bennett's nomination, and suspect they will, but I also encourage the committee to consider seeking some confirmation that there are clear standards which will be abided by when all of these applicants are being screened by the Public Appointments Secretariat.

The Vice-Chair: Is there any further discussion? No further comments? All those in favour? Any opposed? That motion carries.

That concludes the business on the agenda of the committee. Is there any further discussion by members? I believe we decided we will have a meeting in August. The subcommittee will get together to make a determination of what that date will be.

Mr Berardinetti: Madam Chair, I just wanted to commend you on an excellent job as Chair of the committee today. I think you did a very good job and a commendable job. I just want to put that on the record.

The Vice-Chair: Thank you. This meeting stands adjourned.

The committee adjourned at 1039.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Tuesday 24 August 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mardi 24 août 2004

The committee met at 1003 in committee room 2.

SUBCOMMITTEE REPORTS

The Chair (Mr Elizabeth Witmer): Our first order of business is the report of the subcommittee on committee business dated Thursday, June 24, 2004. Can we move its adoption?

Mr Ernie Parsons (Prince Edward-Hastings): I will move adoption.

The Chair: Is there any discussion? If not, all in favour? All opposed? The motion is carried.

Our next order of business is the report of the subcommittee on committee business dated Wednesday, June 30, 2004.

Mr Parsons: I would move adoption.

The Chair: Adoption moved by Mr Parsons. Is there any discussion? If not, all in favour? Opposed? The motion is carried.

Our next order of business is the report of the subcommittee on committee business dated Thursday, July 29, 2004.

Mr Parsons: I would move adoption.

The Chair: Moved by Mr Parsons. Any discussion? If not, all in favour? Opposed? The motion is carried.

Our next order of business is the report of the subcommittee on committee business for Thursday, August 19, 2004.

Mr Parsons: I move adoption.

The Chair: All in favour? Opposed? The motion is carried.

As well, we need to extend the deadlines. Pursuant to standing order 106(e)(11), we require unanimous consent by this committee to extend the 30-day deadline for consideration for the following intended appointees:

Robin MacKnight, intended appointee to the Justice of the Peace Review Council: Do we have unanimous consent to extend this deadline to September 30, 2004? OK.

Gilles Morin, intended appointee to the Assessment Review Board; Christopher Michael Friel, intended appointee to the Ontario Rental Housing Tribunal; Patricia J. Reid, intended appointee to the Town of Fort Frances Police Services Board; Barry Fowler, intended appointee to the Ontario Trillium Foundation Board of Directors: Do we have unanimous consent to extend these deadlines to October 13, 2004? OK.

One of the dates we're looking at possibly to have another meeting might be Tuesday, September 14, because there will be another certificate coming forward. So if there are more selections, we'd have almost a day.

COMMITTEE BUSINESS

The Chair: Welcome back to everybody. We're now going to start with—

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): Madam Chair, there's one other area. There's "Other business," number 6, if I may.

The Chair: Oh, sorry. Other business, yes.

Mr Tascona: I'd just like to raise a couple of matters, if I could.

The MPPs received their packages yesterday, and when I refer to packages, this is the information with respect to the particular agencies and boards and how they operate, their mandate. We received them yesterday for today's meeting.

I'd just like to ask, is there any way we can receive these packages further in advance of the meeting taking place? There was a lot of material to go over, and one day is certainly not a lot of time to prepare and get further information. When the kit was sent out, it was not even complete; it was missing the information for the Ontario Lottery and Gaming Corp, and Mr Fotheringham was selected for review from a certificate dated July 23, 2004. I understand that the researchers need time to prepare the research packages, but in this case they had nearly a month. So I would just make that request. I think it would allow us to do our job much better if we could get the information ahead of time, certainly not one day ahead of time.

The second matter is that the subcommittee members had been receiving the certificates electronically, but that has recently stopped. I wanted to know why that is the case and whether the government has directed the clerk to no longer send the certificate electronically, if that can be checked into.

The third thing is, I read in a press release from the Ministry of Agriculture and Food that the government has appointed a new chair for the Ontario Farm Products Marketing Commission. I have that news release and I'll provide that to Madam Chair right now, if I may. If I remember correctly, that is one of the boards where members' appointments are reviewed by this committee. I had expected to see this appear on a certificate, but the most recent certificate does not contain David Hope's name.

This looks on the surface to be another example of the Liberal government appointing people to chair boards without having those appointments scrutinized by this committee. The government promised in their election platform that they would, and this is a quote, "lift the veil of secrecy on government agencies and appointments." The practice of appointing board chairs for short-term appointments and not allowing those people to be reviewed upon their reappointment has to stop. We are appointing people to very important positions, and by abusing the rules you are making a mockery of this committee and the work that it does in reviewing prospective appointees to make sure that appointees are well qualified for their appointments.

I understand the rules as well as most others, being Second Chair of committee of the whole, with respect to our committee not being allowed to review interim appointments or reappointments, but I think this is a widespread problem. If the ministry had not put out a press release, we would have no way of knowing that the appointment took place. I would ask that the Public Appointments Secretariat provide to the members of this committee copies of the OICs for all interim board chair appointments made by this government.

I would just add that this committee is of no use if the government is going to appoint interim appointments when they know they can get around the rules. I put it on the record that the standing rules should be changed to make this committee relevant with respect to appointments so that we are not sidestepped by interim appointments and reappointments.

1010

The Chair: Thank you very much. Does someone wish to respond?

The Clerk of the Committee (Ms Susan Sourial): Just to the issue about the electronic certificates: We had undertaken in the clerk of the committee's office to scan the certificates when we received them to try and send them out electronically. We found that in doing so, it creates too large a file to send out electronically. We're working with the Public Appointments Secretariat to see if they can develop an electronic version of the certificate that can be sent out and cannot be changed, can't be tampered with. So there are security concerns that they have.

Mr Tascona: I would add that this committee is a little bit different from others in terms of how the subcommittee meets. The procedure that had been put in place is that I was receiving a call from the clerk's office with respect to getting a heads-up when these are sent to my office, which generally is Friday afternoon at about 4:30 pm, if not later. Then we have until the following Thursday to put in our indication that we want to review an appointee.

Certainly I've got a job to do, as well as the other MPPs. But in terms of being on the subcommittee, we want to make sure that the members of our caucus are aware of these appointments. I'm not even getting the fax now with respect to the intended appointees. So the information is—now, all of a sudden I'm not getting a telephone call; I'm not getting a fax; I'm not getting an e-mail in a timely manner.

The subcommittee has to be able to work effectively. I think something has to be looked at, otherwise we're not going to be able to get this to our members in a timely fashion. We only have till Thursday at 5 pm. The members are off right now, so it's not that easy. I like to get them out Friday so that the members have an opportunity, but I'm not even getting that opportunity now.

The Chair: I think the point is well made. Obviously, it is important that we do receive the information. As you have said, it is important that all members of caucuses have the opportunity to review the intended appointees. So I would ask the clerk to review the process and see how we can make sure people do have ample opportunity to respond to intended appointees.

I guess the other issue is the information that got to us late yesterday afternoon. Is that right?

Mr Tascona: Yes.

The Chair: I know I didn't get it until this morning, when I came in. So that is a problem. I don't know if you can speak to it.

The Clerk of the Committee: That is an error on my part and my office, just a misjudgement and a miscommunication. I apologize for that. In future we'll have the packages out at least the Friday. Normally the meetings are on Wednesday, and we send the packages out on a Friday, before the Wednesday.

Mr Parsons: Just on the last point: I'm pleased that Mr Tascona in fact said that this government was following the rules. I'm not sure when these rules were made, but I do know that the previous government had eight years to change them, if they had a discomfort level with them, and chose not to.

The Chair: OK.

Mr Tascona: The bottom line is that there is a procedure in place. This is not the first situation where I've read, either in the paper or in a press release, about an appointment that should have come through this committee.

The bottom line, the point I made, is that I know the House leaders are looking at changing the rules. What I'm doing for the record is, I would like to see the rules change with respect to this committee, that we review not only non-interim appointments but we have an opportunity to deal with interim appointments. It's important, because somehow the interim appointments become reappointments and never come through this committee, which to me is wrong. That's something I wanted for the record for the House leaders, so they can deal with it when we go for a review of the standing committee and we at least have some input from this. If you disagree with that, then you can say it for the record.

The Chair: So your intention then, Mr Tascona, was simply to put it on the record for further discussion about when committees are reviewed.

Mr Tascona: Yes. Thanks very much.

The Chair: OK. Mr Parsons, anything further?

Mr Parsons: I never stated that I disagreed with it. I just stated that the rule has been in place for quite some years and the issue has not been raised before by that party.

INTENDED APPOINTMENTS

GERALD STEPHENSON

Review of intended appointment, selected by third party: Gerald Stephenson, intended appointee as vice-chair, Ontario Pesticides Advisory Committee.

The Chair: We're now going to move to the appointments review. Our first interview is with Dr Gerald R. Stephenson, the intended appointee as member of the Ontario Pesticides Advisory Committee.

As you may be aware, Dr Stephenson, you do have an opportunity, if you choose, to make an initial statement. Subsequent to that there will be questions from the committee members. We welcome you here this morning. Do you want to make a statement?

Dr Gerald Stephenson: Yes, I do. Chair Witmer and members of the committee, thanks so much for inviting me here. I'm honoured that you chose to consider my nomination to be vice-chair of the Ontario Pesticides Advisory Committee, which I'll probably refer to as OPAC.

I'll give you a little bit of history. In the late 1960s there was a pesticides advisory board for Ontario, but the current Ontario Pesticides Advisory Committee was established when the current Pesticides Act came into effect in the early 1970s. I was appointed to the first committee and, except for about five years or so in the 1990s, I've been a member of that committee ever since. My current appointment as a member extends until February 2005.

Since the late 1960s I've also been a member of the Ontario Weed Committee and I served as chair of the Ontario Weed Committee during the mid-1980s. I also currently serve as Canada's representative on the Advisory Committee on Crop Protection Chemistry of the International Union of Pure and Applied Chemistry, which we call IUPAC. Crop protection chemistry is a euphemistic phrase to talk about pesticides, really.

I'm a university professor. I joined the faculty of the University of Guelph in 1968, after completing my PhD in plant physiology and biochemistry at Michigan State University. In the early 1970s I initiated a course, and I've co-authored a textbook on pesticides and the environment. I've supervised more than 40 MSc and PhD students, many of whom are now professionals with government agencies, educational institutions or in the private sector with responsibilities related to pesticides or pest management.

I've published more than 100 scientific papers on the environmental fate and biochemical action of pesticides in target and non-target organisms. As a scientist, I like to see that the best scientific knowledge is applied to the decision-making process in regulating new technology, like chemical pesticides and their alternatives. My membership on the Ontario Pesticides Advisory Committee and the Ontario Weed Committee has provided an opportunity for me to participate in these processes directly.

Ontario was one of the first jurisdictions in North America to develop a pesticide scheduling system to regulate the transportation, sale and appropriate uses of pesticides registered for use in Canada and scheduled for use in Ontario. I helped develop that system in the early 1970s and have always been a part of its implementation, even during the five or so years that I wasn't a member of OPAC. I've always been regarded as one of the technical experts on pesticides, especially herbicides, for the committee.

Ontario is a world leader in improving the productivity and safety of food production while minimizing and even reducing the impact of agriculture on the environment. With its Food Systems 2002 program and environmental farm plans, Ontario agriculture has reduced the use of chemical pesticides by more than 50% since the 1980s, while at the same time it has actually increased agricultural productivity. This was made possible by research-granting programs administered by OPAC and by the Ministry of Agriculture to develop more knowledge of pest biology, pest monitoring methods and non-chemical alternatives to facilitate effective, integrated pest management programs for most crops. Voluntary and now mandatory grower education and grower certification programs have been essential for the implementation of these programs.

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It has been very rewarding for me to participate in these successes for Ontario as a researcher, a teacher, a public speaker and a member of the Ontario Pesticides Advisory Committee.

I'm 62 years old. I'm semi-retired as a professor from the University of Guelph for two years. However, each winter semester I continue to teach my course, Pesticides and the Environment, and I'm eager to continue my participation on pest and pesticide committees in Ontario and internationally. If you have a genuine love for science, as I do, and if you're eager to provide scientific input for public decisions, it is impossible to be a retired scientist. Becoming chair of the Ontario Pesticides Advisory Committee would be another welcome opportunity for me to contribute.

The Chair: Thank you very much, Dr Stephenson. We're going to start today with the government, since we ended with the New Democratic Party last time. Do you have anything further?

Mr Parsons: We have no questions regarding your qualifications or competence. We pass.

The Chair: All right. Then we're going to go to the Conservative Party. Mr Tascona or Ms Scott?

Ms Laurie Scott (Haliburton-Victoria-Brock): *Failure of sound system.*

Dr Stephenson: That's what happens after 30 or 40 years.

Ms Scott: *Failure of sound system.*

Dr Stephenson: I guess the impression I get is that Ontario farmers are proud of the systems they have. I think, in fact, when we can brag about things like Food Systems 2002 and minimizing pesticide use, that may give them a special entry in markets. I haven't heard a lot of negative. I think our Ontario growers are probably more concerned about competition with other countries than with other provinces.

Ms Scott: *Failure of sound system.*

Dr Stephenson: It hasn't come to us, and when I go out to meetings, I sense a lot of pride about Ontario agriculture.

Ms Scott: *Failure of sound system.*

Dr Stephenson: I don't have an opportunity to do that. There are two employees in the Ministry of the Environment who represent Ontario on the federal-provincial-territorial advisory committee on pesticides, and we, as members of OPAC, have input to their reports and their efforts to sort of harmonize pesticide regulation across the country. I've been on the Canada Weed Committee, which is a national committee, and we've had input through that too.

Ms Scott: *Failure of sound system.*

Dr Stephenson: Well, the current hot issue, and I presume it might come up, is how to regulate urban pesticide use. The federal government, Health Canada and PMRA, are developing a healthy lawn strategy and they might revise their regulation of urban pesticides. I think, as members of the Ontario Pesticides Advisory Committee, we would encourage that. I wish the Ontario government had taken more of a leadership role, in fact, on regulating urban pesticides than it has.

Ms Scott: *Failure of sound system.*

Dr Stephenson: The agricultural use of pesticides—you have growers who have a vested interest in the reputation they have as Ontario farmers. Back in the 1980s, they sensed that this was a big issue. They took control of it almost themselves with the Ontario environmental farm plan. They wanted certification programs so that farmers knew how to use pesticides properly and to implement integrated pest management programs. That's been far more difficult in urban pest management, because I think there's been a need—there are some lawn care companies that might subscribe to integrated pest management, but they can't do it alone. They wish the province had legislated this for all lawn care companies. In fact, the Association of Municipalities of Ontario put in a brief in 2003, again hoping the province would take the leadership in this respect and not drop it down to the patchwork management that happens, with one municipality doing this and another municipality doing that, and people in this municipality saying, "Well, if I lived over there, I could do this, but if I live here, maybe my kids are going to get sick." I don't think it's an issue that is well managed municipally.

Ms Scott: *Failure of sound system.*

Mr Tascona: I want to thank you for coming here today. Based on your qualifications, I'm not sure why the NDP called you, but we'll find out, I guess. Certainly, you have the qualifications and the expertise.

I just want to ask you this, though: When you say the province should have a greater role, what are the standards that you think should be set? Is it studying standards, or should there be more than that in terms of the province taking a greater role?

Dr Stephenson: I think it's a logical goal to not use pesticides anywhere where they don't have a chance to achieve some benefit. We're doing that well in agriculture, but the challenge is to do that in urban pest management as well. I think we all subscribe to the idea of trying to minimize unnecessary pesticide use in landscapes. The province could have mandated that all lawn care companies subscribe to a very strictly monitored, integrated pest management scheme so that you're using all the possible methods of pest control and not just chemicals, and this would have to be monitored and adhered to. But if you do it for the whole industry, then everyone is on an equal footing. To hire these companies might become more expensive, because there would be more monitoring and other alternatives and that sort of thing. You would achieve a major reduction in pesticide use.

Hudson, Quebec, 10 years ago banned the use of urban pesticides. An assessment of where they are now is that there is better pest management going on there. Pesticide use has not been cut to zero. It's more like an 80% reduction, so 20% of these pesticides are going on illegally.

Mr Tascona: Let me ask you this, though: How does it stand in the province right now in terms of municipalities? I know we had a major fight here in Toronto, which was well publicized. What about other municipalities in terms of—

Dr Stephenson: There is a checkerboard of what various municipalities are doing. The province hasn't really dealt with this issue. That's what I would say.

Mr Tascona: Do you know the percentage of municipalities that have actually done something?

Dr Stephenson: I'd say the majority of them have done something. A few are trying to enact bans on landscape pesticides; probably many more are trying to adopt some kind of an integrated pest management scheme. But again, I think they need some help from the province.

1030

Ms Andrea Horwath (Hamilton East): Welcome. I was interested in some of the comments that have been brought to light through the previous questioning, and I'm curious about your position as a scientist in the whole realm of pesticide use in food production. I heard with interest your comment about the fact that, nationally, we are maybe leagues ahead of other nations in regard to the use of pesticides in food production. Could you expand on that a little bit?

Dr Stephenson: I don't know if I can speak nationally, but I can speak about Ontario. We're proud of the fact that we've adopted good, integrated pest

management programs and have reduced the quantities of pesticide use in agriculture by more than 50%. There have also been good environmental assessments of pesticide use today compared to 20 years ago, and the environmental impact of the chemicals being used is down—they haven't finished the analysis for 2003, but very close to 50%. We're leaders around the world in that respect.

A number of the Scandinavian countries are on similar kinds of programs, but they didn't have that other caveat that they wanted to maintain and perhaps even increase agricultural production by achieving maybe a 60% reduction in pesticides in one of the Scandinavian countries. That means they're buying more fruits and vegetables from other countries now because their production has dropped. Ontario has tried to achieve both sides of that.

I don't know if I can speak about how that's going in western Canada. I don't have the data to even deal with that question for western Canada.

Ms Horwath: All right, let's stick with Ontario, then. I think particularly about some of the food crops in the area that I represent, which is kind of bordering the Niagara Peninsula. I'm curious about your perspective on the use of pesticides in tender fruit and particularly in regard to how the use of pesticides in that type of food may affect people who consume that food. Do you think there's any effect on human health or well-being in regard to the use of pesticides, particularly in tender fruit, by consumers?

Dr Stephenson: There are some major reviews of that by the National Research Council, in collaboration with efforts in the United States. I think what you have to realize is that when pesticides are properly regulated, there's almost a thousandfold safety margin for any residue you might consume compared to the highest dose that had no effect in test animals. We have monitoring programs for residues in our foods and we establish maximum residue limits with wide margins of safety. Rarely more than 1% of our fruits or vegetables ever violate that. Most of the fruits and vegetables will have no detectable residue at all.

I know one major review concluded that, in fact, the use of agricultural chemicals increases production and reduces food prices, so people can eat more fruits and vegetables. For good health, you should eat more fruits and vegetables, almost regardless of how they're grown in Ontario. You can choose organic if you want, but it's healthy if you go with conventional products; just get your five fruits and vegetables every day. That's one of the best things you can do with respect to food and health.

Ms Horwath: It would be your opinion, then, that there are very little to no negative human health effects from fruits and vegetables grown in Ontario under the current regime?

Dr Stephenson: Right.

Ms Horwath: So you don't believe there are any modifications that need to be made to the regulatory use of pesticides in terms of the fruits and vegetables at this point?

Dr Stephenson: I think we just need to make sure that ministries of the Environment and Health Canada maintain appropriate levels of staff to make sure we implement the rules that we have.

Ms Horwath: So you would perhaps be advocating for more monitoring and more of that kind of a process, as opposed to any changes in the application or the types of chemicals that are currently being utilized?

Dr Stephenson: Another way to state the goal of Food Systems 2002 is a 100% reduction in the use of pesticides when we can figure out that they aren't needed. We have achieved about a 50% reduction.

Ms Horwath: As a scientist you would advocate continuing to go down that road, as opposed to just being accepting of the current situation?

Dr Stephenson: Absolutely. We're proud of that effort. Whenever I have a chance to talk about it in other countries, I do.

Ms Horwath: My next question is actually more related to the herbicide issue. Can you speak a little bit to your position on the extent of the effect of human exposure to pesticides that are used in lawn care and other types of urban uses?

Dr Stephenson: I can speak as a researcher, because I think our research on commercial applicator, homeowner applicator and bystander exposure for landscape pesticides is cited all over the world. In fact, it's part of EPA's regulations now.

Basically, even with commercial applicators who are applying these products to many lawns in a day, five days a week, their daily exposures are still at least a hundredfold below. They have at least a hundredfold safety margin factor, compared to the doses that had no effect in test animals. Homeowner applicators might make one or two applications a year, not every day. And we monitored numerous bystanders for either commercial applications or homeowner applications—people who lived in the homes where the pesticides were applied. It was very rare to detect a measurable exposure. Our limit of the detection was four parts per billion in the urine. So it's almost impossible to calculate how big the margin of safety for bystanders is.

Ms Horwath: What would your opinion be of the effect of the exposure to the pesticides that are used in landscape applications on different types of individuals? We often look at the average person and the average situation. But would you say there is an effect that is different on, for example, young children, if they have immediate exposure, or people who have respiratory problems or other types of health concerns?

Dr Stephenson: In fact, the current federal and provincial regulatory system takes that into consideration. From research studies with the most sensitive test animals, they find the highest dose that would have no effect during the lifetime of the test animal, and say, "We should have at least a tenfold margin of safety for humans. But then maybe there are some adults who are

extra sensitive or children. We'll put another tenfold margin of safety in there."

More recently, with more focus on safety for children, the PMRA in Ottawa says that before we would allow something to be used on a landscape, where children might be playing on the lawn or that sort of thing, we might request at least an additional tenfold margin of safety, compared to the dose that had no effect on test animals.

I think what people forget—

The Chair: Thank you very much, Dr Stephenson.

Dr Stephenson: Time up?

The Chair: We have really appreciated your sharing your knowledge with us, but—

Dr Stephenson: The last word I would have mentioned would have been "natural" pesticides. Some 99% of the pesticides that we're exposed to are natural.

The Chair: We do appreciate your appearing before us today. We wish you continued success. I'm certainly well aware of your reputation myself, personally.

Dr Stephenson: You live in Waterloo.

The Chair: I do.

1040

BRUCE BINNING

Review of intended appointment, selected by official opposition party: Bruce Binning, intended appointee as vice-chair, Ontario Labour Relations Board.

The Chair: Continuing on now with our second interview, Bruce Binning, the intended appointee, member, Ontario Labour Relations Board. As you have probably heard, Mr Binning, you do have an opportunity, if you wish, to make an initial statement and, following that, members of the committee will be asking questions. Good morning.

Mr Bruce Binning: Good morning. Just very briefly, I have for several years appeared before the labour board as counsel on behalf of management, primarily in the construction industry on behalf of unionized general contractors and unionized subcontractors. I have also represented several non-construction employers before the labour board and also before arbitration boards. I have been involved extensively in collective bargaining in the construction industry province-wide, and that has been for several years as well. Those are all my comments.

The Chair: Thank you very much, Mr Binning. We will begin with the Progressive Conservative Party.

Mr Tascona: I want to thank you, Bruce, for attending here today. I've got some questions. There's no doubt that you're very qualified to be sitting on the labour relations board. It's a part-time vice-chair position?

Mr Binning: That's correct.

Mr Tascona: Was that all that was available or is that all you were interested in?

Mr Binning: I was invited to apply for it.

Mr Tascona: OK. What would you do with the rest of your time? Are you going to continue to practise law?

Mr Binning: No, I will not practise law. I will retire from the firm and I will not practise law.

Mr Tascona: Just a couple questions on the operations of the board. You've been in front of the board for quite a few years—since 1962, I believe—and have seen a lot of changes. What is your opinion, if you have one, with respect to the way the construction industry is working in terms of achieving the objective of labour relations peace as opposed to some of the problems they've had in the past, prior to 1980? Do you think the system that has been put in place is working effectively or are there other changes that should maybe be implemented or looked at by the government?

Mr Binning: No, I think it's working effectively. One of the problems that has arisen is that, initially when provincial bargaining was introduced, the purpose of it was to have one settlement throughout the province, but what has happened is many areas of the province have a lot of unemployment. Therefore, we have to now negotiate area settlements, not just one general settlement across the province. That tends to make it far more difficult to reach an agreement.

Mr Tascona: Is that in the industrial, commercial and institutional sector of the province, the ICI?

Mr Binning: Yes.

Mr Tascona: How do you see it working? As you know, when you get an ICI certificate at the labour board, there's also a geographical certificate for the other sectors; for example, residential. Do you think that's the best system? If there's an application just for the ICI sector, what results under the legislation is that you can get certified for the other sectors. Do you think that's a fair system with respect to the employees' wishes as opposed to what the union is trying to achieve when they're really after ICI certification for the work that's being done?

Mr Binning: I'd prefer if the ICI sector was left separately and the certificates would not be issued for the other sectors.

Mr Tascona: Why was that done? What was the purpose behind that?

Mr Binning: Because I think before provincial bargaining, it was that way. It was not restricted to any sector. So once they introduced the idea of sectors, then they introduced this provision because, prior to provincial bargaining, it was all employees in all sectors.

Mr Tascona: As you're aware, the board area set up the bargaining rights for the residential area and other sectors, as opposed to the ICI. It's sort of a distinct type of certification.

Mr Binning: Yes, but in any other sectors, in most cases—not all cases—it is restricted to a geographic area for the employer. He doesn't normally operate province-wide.

Mr Tascona: With respect to the certification process, there's been a lot reported recently with respect to Wal-Mart and what's going on in different parts of the country. Here we have a certification process where you do require a vote. In the past, prior to 1995, it wasn't that

way. Do you have an opinion on how that process is working, with respect to certification with a vote, as opposed to what it was before?

Mr Binning: I don't really have an opinion on that. As you know, I've been primarily in construction. I haven't been involved in the certification. It normally goes to the younger guys in the firm. So I haven't really been involved in certification for some years.

Mr Tascona: What changes would you like to see in terms of the board, in terms of how it operates from an advocate's point of view? You've appeared up there for many years, and now you're going to be on the other side making decisions.

Mr Binning: I think I would like faster hearings, fewer days. I'd like the chairman to be more aggressive, because now we're getting into days and days of hearings, which is a waste of time. I'd like the whole process to be sharpened up so that we don't get involved in these long hearings.

Mr Tascona: What would need to be done to give the chairperson or vice-chairperson more power to make that happen? As you know, they generally have a settlement officer up there trying to make settlements. That's the main focus at times. How could the chairman take—

Mr Binning: To me it's just a question of attitude. I think they have the power now. They have the same power as a judge, really. Yet, in many cases they just allow witnesses to go on and on, when most of it is irrelevant. So I think it's just a question of exercising the power they already have to shorten the process.

Mr Tascona: Is there any specific area that they say you're going to be involved in at the labour board? They now do other areas like employment standards.

Mr Binning: Kevin Whitaker hasn't indicated what type of case he's going to put me on. I don't know. Certainly, the board is involved in all of those areas like human rights, employment standards.

Mr Tascona: What about human rights? The board hasn't been involved in human rights, in making the decisions, have they?

Mr Binning: They can interpret and apply the human rights legislation.

Mr Tascona: Yes. The Attorney General is now responsible for human rights. It's not under the Ministry of Labour. The board of inquiry is generally not at the labour board. Is that something you think would be useful, in terms of having all the labour relations tribunals under one board?

Mr Binning: I would think so. In many cases, if the facts deal with the board, then just the Ontario Labour Relations Act; therefore I would think it would be good to have one tribunal dealing with any complaint which might be multi in purpose.

Mr Tascona: Yes. I understand in some countries—I think maybe in New Zealand—they have what they call a supertribunal process, where anything related to labour relations or employment law is under one tribunal, whether it's public sector—we have the Grievance Settlement Board, which is another entity that's set up with their own arbitrators.

Mr Binning: We are moving that way in terms of the legislation. I think it's a good idea.

Mr Tascona: Those are all the questions I have. Thank you.

Ms Horwath: Could you describe to me which pieces of legislation the board is responsible to address?

Mr Binning: I don't have the act in front of me, but it has been expanded so they can apply and interpret the Employment Standards Act, for example. There are specified pieces of legislation that they can now interpret and apply, as can arbitration boards.

Ms Horwath: OK, but you don't have any recollection of specifically which ones they are?

Mr Binning: I don't have *[inaudible]*.

Ms Horwath: You're likely aware, considering your activity in this field, of the changes that have occurred over the past decade in the labour relations regime in the province of Ontario. Do you have any perspective on that at all, as an employer advocate over the years at the board, on the balance that currently exists in the field of labour relations in Ontario?

Mr Binning: If you're talking about balance between the unions and management, it is clear that we don't have many serious strikes, which means that people are being objective on both sides. I would think that, of the disputes that are raised, over 50% are settled without going to either the labour board or an arbitration board. So I think there is objectivity on both parts and there is a balance.

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Ms Horwath: So you're in a position, then, that you wouldn't think that there are any changes that need to be made to the current regime?

Mr Binning: You can always make changes for the better, but I think you have to be open as you go and as things change. As I mentioned, things have changed in construction. Before, we used to make provincial settlements; now we're making local settlements, which makes it more difficult. You can settle Toronto but you can't settle, let's say, London. Therefore it extends the negotiations. That has happened for the first time this round, where there has been an extension because of the differences between areas.

Ms Horwath: Your forte is in the construction industry, but of course you'll be required to adjudicate on other matters. I'd like to hear your comments on your ability to grasp all the various pieces of legislation and—

Mr Binning: I've been involved with a lot of non-construction employers, large ones; Babcock and Wilcox, for example, Canadian Timkin, Oshawa Group and several others. So I have acted for many non-construction employers.

Ms Horwath: So you're quite comfortable, then, with your ability to—

Mr Binning: I'm comfortable.

Ms Horwath: OK. Considering your breadth of knowledge of the labour field, do you have any opinions

or any concerns around current discussions that are occurring regarding things like hours of work, and I think particularly around industrial and construction employers and places of employment? Currently the hours of work are 60. I believe there are possible recommendations by the government to reduce that to 48. Any opinions on that?

Mr Binning: Part of the problem in the construction industry certainly is weather. So if you have adverse weather, it's good to make up that time you've lost during the week on, say, a Saturday at straight-time rates. I think perhaps that's why defining hours more closely—if you're not making exceptions, you make us more productive.

Ms Horwath: So you don't see any inherent problem in terms of people's rights in regard to requiring them to work because the weather is good?

Mr Binning: In most cases it's voluntary, in any event, to work on a Saturday at straight-time rates, if that was feasible. No, I don't think we're infringing. I think we have to be productive and we have to compete. I think that's why it's important that there be flexibility.

Ms Horwath: Do you think the motives of competition, productivity and profit can be used in any way as an incentive or to coerce workers into signing on to longer workweeks?

Mr Binning: No, I don't think so.

Ms Horwath: You think that doesn't happen at all in industry or in workplaces?

Mr Binning: It could, but I think you're talking about the non-unionized sector, not the unionized sector. I'm primarily involved in the unionized sector.

Ms Horwath: I don't disagree with you on that point, in fact. It's interesting, though, that in the province of Ontario there has been a reduction in the number of unionized workplaces over the last decade or so. Do you think that's at all a concern? If workers' rights are being protected by unions and the regime that we currently have in Ontario is reducing the number of unionized workers, do you not see that as a bit of a conflict?

Mr Binning: I don't see a problem. If you're talking about new employers coming in—it's a bit more difficult for unions to organize—that might be so. But I think in most cases you're talking about American employers who have non-union experience in the US. They want to maintain that here and they treat their employees well to avoid unionization. But that's their decision.

Ms Horwath: That would be your opinion.

Thank you. I have no further questions.

The Chair: The government?

Mr Parsons: We waive.

The Chair: Thank you very much, Mr Binning. Good to see you.

CHISANGA PUTA-CHEKWE

Review of intended appointment, selected by third party: Chisanga Puta-Chekwe, intended appointee as chair, Social Benefits Tribunal.

The Chair: Our third interview this morning is with—and I do apologize before I begin the pronunciation of the name—Chisanga Puta-Chekwe, intended appointee as member of the Social Benefits Tribunal. I would invite you forward. Welcome.

As you may be aware, you do have an opportunity, if you wish, to make an initial statement. That time would be deducted from the time allotted to the government party. After that, we are going to have questions from all members of the committee. So if you have an opening statement, please proceed.

Mr Chisanga Puta-Chekwe: Yes, I do have a very brief opening statement, and thank you very much, Madam Chair.

With the expansion of the jurisdiction of quasi-judicial agencies over the past few years, the art of adjudication has become quite complex and even specialized. The management of the adjudicative process has similarly become quite sophisticated. In addition to a solid academic background, the chair and CEO of any modern adjudicative agency must have senior management experience and the ability to both adjudicate and lead adjudicators who are independent decision-makers.

The tribunal for which I am being considered hears appeals of decisions regarding social assistance and benefits under the Ontario Works Act and the Ontario Disability Support Program Act. In my view, the importance of the Social Benefits Tribunal is self-evident. I would welcome the opportunity to lead this tribunal for two reasons: (1) I have an interest in the subject matter, and (2) I am well-qualified to be the head of the tribunal.

As you will note from my resumé, I have been vice-president of an international bank in London. I have also managed my own consulting firm in Ottawa. One of the highlights of my career as a consultant was observing the historic South African election of 1994, which brought Mr Nelson Mandela to power. In addition to being a United Nations observer, I was also, at that time, adjudication officer for the then politically volatile KwaZulu-Natal province.

On the domestic front, I have been an adjudicator with the Ontario Criminal Injuries Compensation Board before becoming the head of that agency. When I left the Criminal Injuries Compensation Board, I went to Oxfam Canada as chief executive officer. Although my work was now mostly on the international stage, the issues I dealt with remained issues of social justice.

In 1998, I became the first chair and CEO of the Ontario Rental Housing Tribunal. The tribunal resolves disputes between residential landlords and tenants. It is now considered a best practice across the country. Although the tribunal receives a very large number of applications, the agency has no backlog, with the vast majority of decisions being issued within one week of the hearing. I consider it a matter of courtesy and respect to the public to hear applications and issue written decisions as quickly as possible.

I hope I can persuade you that my academic background, which includes two law degrees, and my experi-

ence in senior management and adjudication make me suitable for appointment as chair and CEO of the Social Benefits Tribunal. Thank you very much.

The Chair: We're going to begin with the New Democratic Party.

Ms Horwath: Good morning. My own history is with the legal clinic system in Ontario, prior to being elected, first to city council and then to the Legislature. I actually have a lot of personal friends and professional relationships with many of the people who I'm sure have come before you, as advocates for people living in poverty in this province, in your work at the housing tribunal.

As you may know, the Social Benefits Tribunal has been considered for many years to be a troubled tribunal. I've heard many stories from various people I'm aware of who consider the process to be quite undignified for the people who attend. In fact, there have been accusations of it being disrespectful and quite difficult for the people who are coming before the tribunal. These, unfortunately, are some of the same kinds of complaints that advocates have of their experiences before the Ontario Rental Housing Tribunal, which you are currently chairing.

As the chair of the Social Benefits Tribunal, what steps would you be prepared to take to ensure that the members of the tribunal provide hearings that are fair, respectful and, for instance, meet the basic standards for fairness in adjudication developed by the Ontario Ombudsman?

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Mr Puta-Chekwe: First of all, complaints about lack of respect at hearings is not something that's evident from the number of complaints I have received. We do have, on the Web site, procedures for complaining to the chair when that sort of thing happens. So I cannot say that is something that occurs on a daily basis.

Nevertheless, I think the question is a good one and a legitimate one. What I would do is similar to what I did at the Criminal Injuries Compensation Board. I think you will be aware that the people who appear before that board are particularly vulnerable, perhaps even more vulnerable than people who appear before the tribunal I'm seeking an appointment to and the tribunal I currently head.

I think one of the first things that must be done is to train people in sensitivity in conducting hearings. Of course, with that comes a knowledge of the subject matter the tribunal deals with. I think if people know what they are doing, what they are looking for and also know the needs, including the emotional needs, of the people who appear before them, we will have fewer of those complaints.

Ms Horwath: So you would be quite willing to take a proactive role and ensure, in your role as chair, that you would be engaging members of the tribunal in sensitivity training and making them aware of the vulnerability of the people appearing before them?

Mr Puta-Chekwe: Absolutely.

Ms Horwath: That would be something you would be able to do proactively and would commit to?

Mr Puta-Chekwe: Absolutely.

Ms Horwath: That's good news.

Similarly, there's been some concern in regard to the environment that currently exists in regard to ensuring—I think you mentioned it yourself in your opening comments—that these cases are dealt with as quickly as possible and we get people through the system. However, there are times when people get concerned that the need for expediency often leads to a lack of appropriate attention to the details of the cases that are coming before the tribunal. What steps are you prepared to take as the head of the tribunal to ensure members will be providing high-quality basic adjudication in these matters?

Mr Puta-Chekwe: Again, the answer goes back to training. Members have to be trained in the subject matter of the tribunal; in the case of the rental housing tribunal that's the Tenant Protection Act. I think that if you train members and they understand what the legislation is, they understand the extent of their authority, they understand the extent of their jurisdiction. If you also, with that, train them in sensitivity matters so they are sensitive in the way they carry out their duties, I think you will see expediency being less an issue and efficiency becoming more an issue. I think you can process cases quickly without undermining basic justice.

Having said that, I would have to agree with you: Only last week I had a situation where a decision was made that was doubtful in the context of the legislation and certainly appeared to contradict our own guidelines. Fortunately, someone from an advocacy group faxed me the information. On the face of it, it did seem to make sense. In those circumstances, what I did was ask the vice-chair responsible for the region to consider a tribunal-initiated review at no cost to the party. So when these things are brought to the attention of the chair on time, there are remedies.

Ms Horwath: I appreciate that, but I guess I'm wondering, do you see any opportunity as the chair to institute some kind of ongoing checks and balances so there's a more proactive monitoring of the quality of decisions that are being made, so that it's not just a matter of an advocate or someone in an activist role bringing something to your attention, but rather that there is ongoing monitoring of the quality of the decisions that are being made so that as chair you can proactively institute some kind of quality control measures in the process? Have you any opinion as to that possibility?

Mr Puta-Chekwe: Yes, I do. Because of the volume of the work at my current tribunal, it's not possible, unfortunately, to read every single decision. What does happen, however, is that on a regular basis I get a sample of decisions from the regions. Based on those samples, I determine what should be included in ongoing trends, so if a problem keeps recurring, that issue is going to be addressed at a specific training or as part of the ongoing training that takes place when members meet. Unfortunately, when you have a very large volume, that really is the only way you can do it.

Again, I would say, relative to the volume of the cases that we do here, the number of situations when that has

arisen is not very high. But of course, one situation is one too many.

Ms Horwath: You don't see any kind of systemic approach to monitoring quality as being appropriate?

Mr Puta-Chekwe: That is systemic, when regional vice-chairs are required to send samples to the chair from time to time, and those samples are analyzed not just by the chair but by the legal department, and then they are used for training purposes to make sure that problems don't recur.

Ms Horwath: All right. That actually brings me to the next question, which is that there has been some concern about the way in which members are selected for the tribunal. As the chair, do you have any concerns in that regard, and how would you then address those? Do you believe there are changes that need to be made or that can possibly be made in terms of the way the Social Benefits Tribunal is appointed in terms of the tribunal members?

Mr Puta-Chekwe: At the Ontario Rental Housing Tribunal, we've only had one instance in the past six years when a member hasn't gone through an interview and hasn't had to do a written exercise. Apart from that one case, members are required to do an interview and to do a written exercise.

Ms Horwath: Would you support a public advertising kind of process where people from all areas, including advocates or those types of people, are provided an opportunity to then become appointees; and, where interviews take place, would you advocate for that same type of system when you become the chair of the Social Benefits Tribunal?

Mr Puta-Chekwe: Yes. If it is viable, I'd certainly advocate for that kind of system. I think it is more likely to work, on balance, than any other system, as evidenced by what has happened at the rental housing tribunal. The first crop of adjudicators, including the chair, responded to an advertisement. I think the quality of the first group of members was higher than the quality of the members we have recruited, say, in the past two years. But I think it's beginning to change with the system opening up again.

Ms Horwath: One further question in regard to some of the administrative issues with the Social Benefits Tribunal. My understanding—this, again, is from the connections I have in this particular area—is that both the Social Benefits Tribunal and the Ontario Rental Housing Tribunal have been difficult in terms of some the ability to schedule hearings that are convenient and flexible in terms of the advocates. You may know that advocates in the poverty law system are often representing far-spread areas and oftentimes have a huge caseload in terms of clients. My understanding is there has been a resistance to the opportunities to be more flexible with the scheduling of hearings to meet the needs of the clients' advocates. Are you in any way concerned about that, and do you believe there are ways to work with the parties to be in a situation where the hearings can be scheduled to meet everyone's needs, at the same time maintaining ministerial procedures that are functioning in an appropriate way?

The Chair: Unfortunately, the time is up. We're going to have to move to the government. Did you have any questions?

Mr Parsons: No questions.

The Chair: Then we'd move to the Conservative Party.

Ms Scott: Thank you for taking the time to appear before the committee today. You have an impressive resumé.

As a bit of following up to my colleague's questions, do you know any members, right now, of the Social Benefits Tribunal—I mean that in their background, ongoing training and if they are qualified, if you know about their background at present.

Mr Puta-Chekwe: No, I don't, actually. I have looked up the names of the current members but I can't seem to find their biographies. I don't know if the Web site has a biography section and I'm just missing it, but I haven't been able to do that, I'm afraid.

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Ms Scott: I've listened to your previous answers, and I'm sure that you will make sure they get the appropriate training to hear specific cases that might be difficult to assess.

This is also a full-time appointment for you, and you've been full-time previously. How does the remuneration compare to the previous board that you were chair of?

Mr Puta-Chekwe: With the Ontario Rental Housing Tribunal?

Ms Scott: Yes.

Mr Puta-Chekwe: I haven't actually been told what I will be paid, but the Web site says the previous chair was paid $148,000, and I am paid $110,000.

Ms Scott: So you're paid $110,000 now, and on the Web site it's $148,000.

What do you see as the major challenges that would be facing the board over the next several years? I know we've had a bit of discussion, but is there anything specifically that's standing out that you see as a challenge?

Mr Puta-Chekwe: This is relatively new legislation, and in some instances it does make a departure from the usual practice of tribunals. For example, I was quite struck by the fact that the Social Benefits Tribunal cannot entertain issues arising from the Charter of Rights. That has been a big issue recently at seminars, conferences and training for adjudicators: How do you handle charter questions? But the Social Benefits Tribunal's own statutes specifically prevent entertainment of charter issues, so that is an issue in the sense that you have to make members mindful of that.

I also think there are certain—perhaps I can answer this by going back to what I see in my own mind as priorities for the tribunal. I think it is encouraging that some effort has been made to publish practice directions, but there are only three practice directions that have been published. I'd like to see more practice directions pub-

lished. I would like to see more guidelines. In fact, there are no guidelines at all at the moment, so I'd like to see guidelines published as well.

In addition to that, I would actually like to see a committee responsible for rules and guidelines. The reason this is important is that the public served by the tribunal should have some idea of what's going to happen when they do appear before the tribunal, and if you publish as many rules and as many guidelines as possible, first, you better inform the public you serve and, secondly, you increase immensely the chances of consistency by the tribunal. So those are things I would look at as a priority.

The other thing would be to perhaps put together a small group to examine the backlog. There is a backlog there, as I understand, at the moment. That group basically would look at ways and means of reducing significantly, if not eliminating, that backlog in the quickest and fairest way possible.

Ms Scott: Who publishes those guidelines? Who published them previously, or who do you look at—

Mr Puta-Chekwe: At the moment, there are no guidelines, but the rules of practice have been published by the Social Benefits Tribunal itself.

Ms Scott: By the tribunal itself. OK. Thank you very much.

Mr Tascona: I want to thank you for coming before the committee today. I've got a couple of questions.

You're currently the chair of the Ontario Rental Housing Tribunal, until September 16 of this year. Do you know who your replacement is?

Mr Puta-Chekwe: I don't know yet who my replacement is. I have proposed a name for interim chair until the permanent chair is appointed, and again, going back to your question, I have actually recommended that this be done by public advertisement.

Mr Tascona: Who is the interim chair?

Mr Puta-Chekwe: I've recommended Beverly Moore, an existing vice-chair.

Mr Tascona: As interim chair; has that been acted on?

Mr Puta-Chekwe: As far as I know, yes.

Mr Tascona: And who would have acted on that interim chair appointment recommendation?

Mr Puta-Chekwe: Who would have acted on it?

Mr Tascona: Yes. Which minister?

Mr Puta-Chekwe: Minister Gerretsen, the Minister of Municipal Affairs and Housing.

Mr Tascona: OK. And when did you become aware that he acted on that in terms of accepting your recommendation?

Mr Puta-Chekwe: About two or three weeks ago.

Mr Tascona: Is there any indication that there's going to be—you say an advertisement. An advertisement for what? For a full-time chair?

Mr Puta-Chekwe: Yes.

Mr Tascona: So how long would this interim chair be in place? Do you know?

Mr Puta-Chekwe: As I said earlier, until the full-time chair is appointed. I don't know when the full-time chair will be appointed.

Mr Tascona: You've been chair of a number of different tribunals. What do you know about this Social Benefits Tribunal in terms of how it would relate to your previous experience?

Mr Puta-Chekwe: That's a very broad question. I do know that the Social Benefits Tribunal hears appeals of persons whose benefits may have been reduced or even cancelled. That is a basic function of the Social Benefits Tribunal. So it's different from the Ontario Rental Housing Tribunal in the sense that the Social Benefits Tribunal is more of an appellate body, whereas the Rental Housing Tribunal is the tribunal of first instance. But they do have one thing in common in that persons who are dissatisfied with decisions of both tribunals can appeal on a point of law to Divisional Court.

Mr Tascona: So how do you feel your qualifications fit with this tribunal, as opposed to the others?

Mr Puta-Chekwe: Firstly, it's a matter of adjudication primarily. I hope we can agree that I am an adjudicator and, in my opinion, I am a reasonably good adjudicator. An essential ingredient in terms of qualifications would be the ability to adjudicate and to understand adjudication and to manage adjudicators. I have done all three.

On the philosophical level, I think the Social Benefits Tribunal, like the Criminal Injuries Compensation Board, deals essentially with human rights issues. I do have some training in human rights. Indeed, two years ago I published a chapter that linked human rights to the creation of a social economic framework published by the University of Pennsylvania. That chapter was done by me. So there is an interest there, and I'll just admit that tends to add to my claim that I am qualified to run this tribunal.

Mr Tascona: Thanks very much for your time.

The Chair: Thank you very much, Mr Puta-Chekwe. We really appreciate your coming before the committee and we wish you well.

DAVID KNIGHT

Review of intended appointment, selected by official opposition party: David Knight, intended appointee as member, Ontario Securities Commission.

The Chair: Our final interview this morning is with David L. Knight, the intended appointee as a member of the Ontario Securities Commission.

I would invite you forward, Mr Knight. As you have heard, you do have the opportunity to make an initial statement and, following that, there will be questions from all members of the committee.

Mr David Knight: I believe you all have my resumé, and perhaps the greatest assistance I can give to you at this point is to simply highlight some of what seem to me to be the most relevant features of my resumé. If I may, I'll start at the beginning, more than 46 years ago, when I

started in the accounting business with a small firm in Owen Sound. I started there in 1957 upon graduation from high school. I became a chartered accountant in 1962. In 1985, I was elected a fellow of the Institute of Chartered Accountants of Ontario in recognition of my service to the profession. In 1971, I was admitted to partnership in the firm which was then called Peat, Marwick, Mitchell and Co, a predecessor firm of KPMG LLP, as that firm is now known.

As my resumé shows, during my time with the firm I had ever-increasing responsibilities, rising to the level of vice-chairman, a position which I held when I took early retirement from the firm in 2000 in order to take on a role with KPMG International. Then, for the three years ending September 30, 2003, I was executive director, international standards, with KPMG International. On September 30, 2003, I retired from KPMG.

My entire career in the accounting profession was spent with KPMG in Canada, except for those two years in the late 1950s in Owen Sound. I had two years in the executive office of Peat Marwick in the US from 1969 to 1971, and then the three years with the international firm, which I just mentioned.

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Most of my career in the accounting profession has been devoted to highly technical professional matters and to management of professional risk, although I did have direct client responsibilities, including some quite senior ones, for approximately 20 years.

I am no stranger to securities regulation. For some 25 years, I was a member of a small cadre of specialists in my firm. We had a requirement that one or more of those people be involved with every securities offering with which the firm was associated. I was the leader of that group for most of that 25 years.

For about 10 years in the 1970s and early 1980s, I was a member and then chair of the Institute of Chartered Accountants of Ontario's committee on corporations and securities law.

I was a member of the OSC's financial disclosure advisory board from 1984 to 1990, and chair of that board for the last few years in that period. I have had dealings on a professional basis with every chairman of the commission from Jim Bailey through to David Brown, and with every chief accountant at the commission from Ted Brown, who I think was the first chief accountant, through to John Carchrae, who is the incumbent.

I appeared before the commission once at a hearing. I was there in an expert witness capacity in connection with the accounting of a franchisor with whom the commission had some concerns. I was a member, and the only chartered accountant, of the so-called Allen committee, the committee on corporate disclosure sponsored by the Toronto Stock Exchange. That committee made quite a number of recommendations for change, a number of which I believe influenced Bill 198, I think it is, which I think was introduced in the Legislature the fourth quarter of last year.

I have some experience with government services. I was a member of an advisory committee to the Provincial Auditor of Ontario for several years. The previous government twice appointed me to the Ontario Financial Review Commission.

In summary, I will say that I think chartered accountants have a contribution to make to the OSC's work. I would not be the first chartered accountant, by any means. At present, there is one CA who is a member of the commission. I believe his term is up next year. I think my credentials are such that I can continue with that tradition of contribution that my predecessor chartered accountants have made.

Madam Chair, that's all I have to say at this point. Thank you.

The Chair: Thank you very much, Mr Knight, for those comments. Does the government—

Mr Parsons: No questions.

The Chair: I would move, then, to the Progressive Conservative Party. Mr Tascona?

Mr Tascona: Thanks very much for attending the committee here today. Certainly, you've got a lot of experience in the accounting field and in business.

I just want to ask you, has your firm or have you personally ever been involved in acting on behalf of Royal Group Technologies?

Mr Knight: Yes.

Mr Tascona: You have.

Mr Knight: I have not personally, but my firm was, and I believe is still, the auditor of that firm.

Mr Tascona: When you say "auditor," in what capacity?

Mr Knight: Statutory auditor of their financial statements.

Mr Tascona: And do they do any other type of work for Royal Group Technologies?

Mr Knight: I have no idea.

Mr Tascona: No idea. Your firm is involved in consulting, isn't it?

Mr Knight: My firm was involved in traditional management consulting until 1998 or 1999—I've forgotten exactly when—when KPMG Canada sold that practice to KPMG US and it was spun off in a public offering.

Mr Tascona: OK. So what period of time has your firm acted on behalf of Royal Group Technologies in the auditing area?

Mr Knight: I believe we had been their auditors, or my firm was their auditors—forgive me for the slip, but it's 46 years I was there, and nine months since I've been gone, so I still tend to say "we" sometimes. I believe the firm has been the auditors of Royal for more than 20 years, but I don't know for sure.

Mr Tascona: So how would you handle a situation if Royal Group Technologies appeared before you at the securities commission?

Mr Knight: I don't know what the commission's rules are on conflicts, but I would expect not to be involved with matters involving clients of my former firm for some sensible period of time. I have been separated

from the firm for getting on to a year. I would think probably another year or so would do it, but I don't know what the commission's rules are and obviously I would respect those. If I didn't, I'm sure there are those who would make sure I respected them.

Mr Tascona: Has your firm or have you personally acted in an accounting function with respect to the Minister of Finance, Greg Sorbara, or any of his family's companies?

Mr Knight: Certainly I have not, and to the best of my knowledge my former firm has not.

Ms Scott: Thank you very much for appearing before us here today.

Mr Knight: My pleasure.

Ms Scott: This board has got a lot of responsibility. It's composed of a maximum of 14 members, including a chair. The remaining board members are part-time. I understand you were recommended to fill a vacancy on the board because you are a recently retired senior member of the accounting profession and your qualifications are quite impressive. As you've stated, you've been called on by all stripes of government in the past to use your expertise. What we found most interesting was the fact that the chair, David Brown, wrote to the minister in March and your appointment was only brought forward to cabinet at the end of May. One of the things we as committee members receive as part of our preparation for review is a copy of the application forms of the prospective appointees who appear before us. Frequently the applications are signed just days prior to the appointments being approved by cabinet. In fact, we have a few of those that were mentioned earlier today.

My question to you is, given the important work of the OSC and the review that has just been completed, do you know why the government delayed making your appointment?

Mr Knight: I have no idea. My understanding is that my nomination was first forwarded to the government in August 2003. I have no idea—well, I guess an election got in the way, to start with, but beyond that, I don't know.

Ms Scott: OK. We were just wondering and we were trying to clarify.

There are currently committee hearings underway reviewing the Ontario Securities Commission. Have you been following them at all?

Mr Knight: I have been looking at what the print media has to say.

Ms Scott: The report of the five-year committee contains 95 recommendations. One of the most important is to establish a single securities regulator across Canada. Do you agree with this recommendation, and, if you do, what kind of structure do you think would work best? It's a challenging question.

Mr Knight: Yes, I agree with the recommendation. My personal preference would be for a federal securities regulator, but that might not work best. Well, it may be very difficult to get there. It looks as though it would be. So I favour some form of national regulation, be it accomplished by the passport system or some other co-operative provincial system, but I do think we need a national regulatory system.

Ms Scott: There are quite a few provinces that are not necessarily on board with that.

Mr Knight: I guess it depends on which point of view is expressed. I think BC has reservations about one approach, Alberta about another, and Quebec about another, or sides with one of those first two, I'm not sure. Beyond that, I don't know.

Ms Scott: It could be a long time, I'm sure, sorting it out.

The report also recommends studying the appropriate structure for the Ontario Securities Commission's adjudicative tribunal. How important do you believe it is to separate the adjudicative function from the regulator's other roles? The OSC has just released that report by the Integrity Commissioner that concludes that the dual role of the OSC should be ended.

Mr Knight: Obviously I believe it's important to get some resolution to the controversy. I have long believed that, in the auditor's terms, the appearance of independence and objectivity is as important as the fact itself of independence and objectivity. I have not seen the report by the Integrity Commissioner, I have not seen the legal opinions that Mr Brown released a few days ago, I have not read the Crawford report, so I don't have a well-informed opinion.

I will say this: One of the things I find attractive about being a commissioner is the opportunity to participate in all aspects of what the commission currently does. I have some experience as a tryer of fact. I was a special referee on appointment by what was then the Supreme Court of Ontario some years ago and I have to admit it was a very enjoyable experience, sitting up there in the front and having everyone hang on my every word.

Would I find the job as attractive without both the regulatory and the adjudicative aspects? At this point, it's difficult to say, because I haven't done the job, but certainly I find both aspects attractive. I understand from the print media that someone—I think it's either Mr Justice Osborne or another highly respected figure—said there would be no trouble finding people to staff the adjudicative function separately from the regulatory function. I don't know.

Ms Scott: Thank you very much for your time today.

The Chair: The NDP.

Ms Horwath: The questions have been very well covered off by the previous questioners. I guess the one that hasn't come up is in regard to—you mentioned that you were following what's happening in the print media in regard to possible reforms. One of the reforms that has been suggested or recommended is the governance of mutual funds. Do you have any opinion of that particular initiative, and how you see that unfolding in the next little while?

Mr Knight: I believe, based on my recollection of what I've read, that it certainly should be a priority for the commission, but I have to confess that I have no

detailed knowledge of the controversies involving mutual funds.

Ms Horwath: I have no further questions, Madam Chair.

The Chair: That brings us to the end of your interview, Mr Knight. We wish you well and we appreciate your taking the time to appear before us this morning. Thank you very much.

Mr Knight: Thank you very much. It's a pleasure to have been here and I do hope to have the job.

The Chair: That concludes the interviews this morning. After lunch we will be resuming at 1 o'clock in room 151. Our first interview will be using French language. That's why we're going down to room 151 at 1 o'clock. Thank you very much.

The committee recessed from 1133 to 1303 and resumed in room 151.

RENÉ FONTAINE

Review of intended appointment, selected by official opposition party: René Fontaine, intended appointee as member, Ontario Northland Transportation Commission.

The Chair: I'd like to call the meeting to order. We'll begin our fifth interview of the day with René Fontaine, the intended appointee as a member of the Ontario Northland Transportation Commission. I would invite Mr Fontaine to come forward, and let you know that you do have an opportunity, should you choose to do so, to make an initial statement. Following that, the members of the committee will ask questions. Each party will have 10 minutes. We'll go in rotation, and whatever time you might take for your statement, Mr Fontaine, will be deducted from the time allotted to the government party.

We welcome you here this afternoon, and I would invite you to make an opening statement if you have one.

Mr René Fontaine: Merci, madame la Présidente. Mon nom est René Fontaine. I'm from Hearst, Ontario. I was a businessman for many years as a lumberman; the sawmill used to employ 300 employees. After I left politics, I sold out to Malette, and then Malette was bought by Tembec.

I served the town. I was mayor for 13 years, conseiller pour quatre. Like everybody else, I took part in the Lions Club, KC, minor hockey; Action Group, which was a group of mayors that put pressure on the government in the 1970s and got the day train and the airline, norOntair, the air ambulance and so on.

Then one day I decided at 4 o'clock in the afternoon to run as a Liberal. I won in 1985 and I served my province till 1990. In 1990, I didn't run; I quit. I went back home, and that's where I sold my business.

Since then, when I was in Hearst, for many years I took care of the youth with problems with drugs. We started la Maison Renaissance for the French-speaking youth, and we started—la Renaissance was for the people involved with alcoholism and drugs, and for the youth it was l'Arc-En-Ciel, the Rainbow, in Opasatika.

After that, when I came back home, from 1997 up to now, I've been working with the First Nation people, a group of businessmen in Hearst. We started them in business in the bush as a contractor. They've got 28 working full-time, plus 15 in trucking.

I'm here today to serve the province again if you want. If you don't want, well, we'll see. Thank you.

The Chair: Thank you very much, Mr Fontaine. I'm trying to think of who we start with. We start with the Progressive Conservative Party. Ms Scott?

Ms Scott: Thank you, Mr Fontaine, for appearing before us today. You've given us lots of history. Have you made financial donations to the Ontario Liberal Party recently?

Mr Fontaine: Well, I'm a Liberal all my life, so—

Ms Scott: Yes, I heard you say that.

Mr Fontaine: —I guess I did.

Ms Scott: Do you still make donations to the Ontario Liberal Party?

Mr Fontaine: Well, last election, yes. I was always a Liberal, all my life. But I think everybody knows that in the north.

Ms Scott: OK. So you've made financial donations to the Liberal Party all your life.

Mr Fontaine: Yes.

Ms Scott: Several years ago you were involved in a matter where you resigned as an MPP because of the failure to comply with government conflict-of-interest guidelines. I'm just a new MPP, and I don't know if I have all the details straight.

Mr Fontaine: Well, the details—I came back and I was named as a minister. I went for the election. The people judged me and I won by a landslide. I went back in 1987. There was nothing wrong with that. Some people wanted my—how do you say it?—ma peau. Later on, I found out it was somebody from Hearst who was feeding all this to—

Ms Scott: So you had owned shares in Golden Tiger Mining Explorations Inc?

Mr Fontaine: Oh, don't start that. I mean, I went through that.

Ms Scott: I was just doing the history.

Mr Fontaine: It cost my life. It was $150 of flow-through shares which was deposited in Montreal, the Montreal Trust. It was a Québec company. It had nothing to do with Ontario. We were exploring in Ontario, but that was it. First of all, I didn't even know it was mining—what it was all about.

Ms Scott: But it was at that point that it was found you had a conflict of interest? There was a parliamentary committee that—

Mr Fontaine: I don't know if—

Ms Scott: Just for the record, is that correct?

Mr Fontaine: Oui. Yes.

Ms Scott: A committee and the government investigated the matter and they found that you had violated the conflict-of-interest guidelines. That's why you then stepped down as an MPP?

Mr Fontaine: I decided to step down myself.

Ms Scott: Before the committee made the recommendation?

Mr Fontaine: Yes.

Ms Scott: Then you ran in a by-election and were re-elected. And then you eventually—did you get back into cabinet?

Mr Fontaine: Yes.

Ms Scott: By Mr Peterson?

Mr Fontaine: Yes.

Ms Scott: All right. Since your retirement, you've remained active. The Liberal candidate for the same riding in the last election, Michael Doody, said, "The McGuinty Liberals want to restore northern Ontario to the status it once held under René Fontaine from Hearst." Given the past history, would he be referring to the period from June 1985 to 1986, just prior to your resignation?

Mr Fontaine: What did he say?

Ms Scott: He said, "The ... Liberals want to restore northern Ontario to the status it once held," under René Lafontaine from Hearst."

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Mr Fontaine: Fontaine.

Ms Scott: Sorry.

Mr Fontaine: What he was talking about was the heritage fund. That happened during my term, and he wanted to restore where the heritage fund was before: used to develop the north, not just to be a cash cow for some friends.

Ms Scott: OK. I'll pass over to my colleague Mr Tascona at this time.

Mr Tascona: Thank you, Mr Fontaine, for coming here today. You're going to be taking over—so I understand exactly your role in this particular capacity, you're going to be a part-time member; correct? In that capacity, what are you going to be doing with the rest of your time? Are you going to be in any business?

Mr Fontaine: I'm still working with the First Nations people, and I've got lots of time.

Mr Tascona: Have you got any business interests that would involve—

Mr Fontaine: No.

Mr Tascona: I haven't finished the question. Have you got any business interests that would involve or conflict with your role on the Ontario Northland Transportation Commission?

Mr Fontaine: No more business.

Mr Tascona: No? Nothing would involve it? Are you not a consultant for Tembec?

Mr Fontaine: No. I'm working for Tembec for the native people. That's my duty. It's month to month. Maybe I'll be over that next month. That's all I'm doing right now.

Mr Tascona: OK. So you're consulting—

Mr Fontaine: It's not consulting; I'm working.

Mr Tascona: OK. You're working—

Mr Fontaine: I'm not going around for Tembec. I'm working every day for the First Nations.

Mr Tascona: Yes, I understand that. You got that point clear: You're working for Tembec and you're doing work for the First Nations.

Mr Fontaine: The group in Hearst, the sawmill, there was a blockade seven years ago, and they gave me that job, to work with the First Nations to put them in business—that's what I'm doing—and trying to find wood for them to cut. I went to Nakina last week. So that's what I'm doing right now.

Mr Tascona: What's your role going to be as part-time member? Do you know?

Mr Fontaine: I've got some expertise. When I was a minister, we bought the CNR from Cochrane to Hearst. That's one thing I did. We put back the ONR as a development tool, and we moved the station to save time for the passenger train.

Mr Tascona: But what do you envision doing as the part-time member?

Mr Fontaine: I will continue to be sure that the ONR will be a development railway like it was meant to be, to develop the north, and to be part of that.

Mr Tascona: So that's your vision for this commission?

Mr Fontaine: Yes, and then sometimes I try to be profitable, to continue what they are doing right now with the new cars to haul lumber from all the sawmills in northern Ontario, and then to be there for the new development of mining, phosphate and all this.

Mr Tascona: No one doubts your interest in the north and your qualifications as a former minister, but I just want to see, in terms of this Ontario Northland Transportation Commission, where you want to see it go, as opposed to where you think it hasn't been going. It hasn't been going in the right direction. That's what you're suggesting.

Mr Fontaine: I think first of all they should repair the track. I take the train quite a bit, and they'll have to look at the track. They'll have to clean—near the track there's all kinds of rails, and if I was doing that in the bush, I'd lose my licence. So this is one thing, and then to give better service to the passengers. I think there's a potential for passengers, especially since, as you know, the gas in northern Ontario is 94 or 95 cents. So I think there's a potential to be better, to have a better night train or day train. But we'll see.

Mr Tascona: So the service that you'd like to see—from what I've read when I was up north in a couple of hearings a few years ago, it would appear that the Northland transportation system was in jeopardy in terms of whether it was viable economically. Do you think it can be economically viable?

Mr Fontaine: I think so. I don't know. When I was a minister, we had 17 unions. Now, I was told, there are six left. So we'll have to rationalize, do like they did with the ACR, Wisconsin, before they sold back to CN. I think we'll have to look at it. I don't know yet. Are passengers at 100,000 or 80,000? I'll have to find out.

Mr Tascona: So there were 17 unions when you were there, and now it's down to six.

Mr Fontaine: That's what I was told, yes.

Mr Tascona: Do you think there should be less union involvement in the railway?

Mr Fontaine: No, no. The union is there, but I think we should rationalize that you don't deal with 17. It's now six. I think we should look at other short lines, like what happened to the Wisconsin when they bought Algoma Central. I wanted the ONR to buy that too, but I left.

Mr Tascona: Do you think there should be less than six unions?

Mr Fontaine: I don't know. I will have to look at that too, where they are.

Mr Tascona: That's one of the things you want to look at when you get on the commission?

Mr Fontaine: I'm not against the union. I'm just saying that.

Mr Tascona: No, I understand that.

What other things do you think should be done with respect to making the transportation line viable?

Mr Fontaine: I think the new chairman or the new president—I think they're advertising—should have experience in railway too, not only in communication.

Mr Tascona: What are they advertising for? I didn't know.

Mr Fontaine: Somebody told me it was a—

Mr Tascona: A new president for Ontario Northland?

Mr Fontaine: Oui. I think that he should have some expertise in business and in railway a little bit. That's what I wanted to do when I was there. I think we should have.

Mr Tascona: Who was the president before?

Mr Fontaine: I don't know who.

Mr Tascona: We haven't had a president. This is a new position, the president for the Northland commission?

Mr Fontaine: Yes.

Ms Monique M. Smith (Nipissing): We've had a vice-president for divestiture, because your government wanted to divest it and privatize it. Our government is committing to keeping it public, and so now we're looking for a president in order to run it.

Mr Tascona: Yes. So that's being advertised right now?

Ms Smith: Yes.

The Chair: Thank you very much. We'll now go to the NDP.

Ms Horwath: Good afternoon. Many of the questions have been covered off, but I guess I just wanted to get a little bit more of an understanding, considering your experience, of where you see the commission going in the next, let's say, five years. Perhaps you could explain what your vision would be.

Mr Fontaine: I think the freight, from what I see in Hearst—I'm talking, let's say, 10 years ago with our attempt to get cars—10 years? When we bought the CN; that was before that. With the ONR, finally they decided to buy or lease new cars to haul lumber. We cut the trucking in my hometown by 80%. People went back to railway through the Wisconsin or the CP. Now CNR bought it. They wanted to buy that line too, and I guess they regret to have sold from Cochrane to Nakina. So I think the freight—there's always things to do, but I think it's on the right track.

I think we've got to concentrate more on the passenger, and then on the roadbed. There's quite a bit of—how do you call that? Les trains-là qui déraillent, des déraillements.

Ms Horwath: Derailment?

Mr Fontaine: Yes. OK? There's quite a bit of that. That should not happen. Some happened in a swamp, that I can agree, but on high ground, I don't agree.

I think there should be a smoother ride for the passengers too. I think we've got to spend money on the roadbed. For example, two Sundays ago I took the train 30 kilometres. I think we were doing good time. Then the last 30 kilometres, halfway between Temagami and North Bay, it took about an hour and a half, so something is wrong. We came late to North Bay. I thought we would be there at a quarter to 11, that we'd save half an hour, but something is wrong. I think we should concentrate on that too. I guess if we had a better passenger service, more people would use it.

Ms Horwath: And do you think the unions are stakeholders in the success of the—

Mr Fontaine: I think, yes. I didn't look, but from what I saw in the paper, when the Liberal government decided to keep it, I think there was some good understanding with the unions.

Ms Horwath: I'm just following up on some of the previous questions about the reduction in the number of unions from 17 to how many there are now. I'm just trying to get at—

Mr Fontaine: Maybe six is OK; maybe there's two for the communications and there's three left for the railway. I don't know.

Ms Horwath: But would you advocate for the participation of unions as stakeholders in the process of improving passenger service?

Mr Fontaine: Yes. Otherwise, I don't think a small railway like that will be viable, if the unions are not part of it. You've got the history of other short lines that made money, and I think we could turn it around if everybody works together.

Ms Horwath: Do you see the unions as one of the stakeholders that would have to make serious concessions to be able to make things better?

Mr Fontaine: They already did. I don't know. We'll have to look at it. I think it's a movement. It's not only salary. You know what I mean? Why are there so many derailments? We'll have to find out too. There are a few things. Everybody has to be together if we want this railway to be viable and not to take every five years to sell it. Otherwise, it will be gone in another five or 10 years.

Ms Horwath: Thank you. No further questions.

The Chair: Any questions from the government?

Mr Parsons: No. We're pleased that Mr Fontaine has overcome his shyness, but we have no questions.

The Chair: Thank you, Mr Parsons, and thank you very much, Mr Fontaine, for coming and appearing before us today. We do appreciate your taking that time.

Mr Fontaine: A costly trip.

The Chair: Yes, for sure it is. But isn't it wonderful to see Toronto?

Mr Fontaine: Merci.

The Chair: Merci.

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NORMAN JESIN

Review of intended appointment, selected by official opposition party: Norman Jesin, intended appointee as vice-chair, Ontario Labour Relations Board.

The Chair: We'll move on now to Norman Jesin, our sixth interview, intended appointee as member of the Ontario Labour Relations Board. I would invite you to come forward. Again, you have the opportunity to make an initial statement, and after that there will be questions from the committee. Please be seated. Do you wish to make a statement, Mr Jesin?

Mr Norman Jesin: Yes, please. I wish to thank the committee for the opportunity to appear here and to explain my qualifications for my appointment to the Ontario Labour Relations Board as a part-time vice-chair.

I think you have a copy of my resumé. As is set out in my resumé, I have represented trade union clients before the labour board for over 21 years. My first exposure to the Ontario Labour Relations Board was, however, as an articling student. I had the privilege of working at the board when it was chaired by George Adams, or Mr Justice George Adams. Some of the other vice-chairs at the time included Kevin Burkett, Michel and Pam Picher, Mort Mitchnick and Rick MacDowell.

During my time at the board, I learned to appreciate the importance of the board not simply in adjudicating disputes but in facilitating collective bargaining so that industry can continue to operate in a way that is satisfactory to employers and employees alike.

My experience as a lawyer before the board has been extensive. For more than 10 years, my previous firm, Jesin Watson and McCreary, has appeared before the labour board as much as or more than any other trade union firm. I have particular experience in handling cases in the construction industry. It is my understanding that somewhere between one third and one half of all of the board's cases come from the construction industry, yet there are a very limited number of people who have the peculiar expertise necessary to practise in this area and to interpret and administer the difficult construction industry provisions of the Labour Relations Act. I believe my experience in this area is a special asset in support of my appointment to the board.

My overall experience as a practitioner has taught me the importance of finding solutions to labour and employment disputes that are practical, consistent with sound legal principle, as well as sound labour relations and employment policy. It is my hope and my humble belief that my skills and experience will allow me to adjudicate in accordance with these goals.

I have provided a bit more detail about my experience in my resumé, and I invite you to ask any questions you may have regarding my application.

The Chair: Thank you very much, Mr Jesin, and we'll start with the NDP.

Ms Horwath: Welcome. My question actually is in regard to the current regime of labour relations in the province. There have been many changes over the past decade or so under the Conservative government. Could you comment a little bit on where you think the balance is between business and labour at this point in time in labour relations in Ontario?

Mr Jesin: I guess one way to answer is that I ran as a candidate, as an MLA, and nobody seemed to be interested in my opinion on where policy should be, because I was soundly rejected by the voters.

Having said that, I think that, in the broader scheme of things, there always is a balance. We tweak the legislation one way or another. I think that, when you look at the goals, some of the goals have been consistent for a long period of time, and one of the more important goals that I see and that I've mentioned is really to facilitate collective bargaining so that workplace disputes don't get in the way of the operation of business and industry and, at the same time, there's a satisfactory working life for employees. However we tweak the legislation, I think that our job is really to apply it with those goals in mind. I guess it's up to the people sitting here to decide exactly where to go. But the main thing, I think, is to stay consistent with that goal.

Ms Horwath: OK, that's fair. Particularly around the issue of hours of work and the workweek that's currently under discussion in the province of Ontario, I'm wondering whether you have any opinion on the reduction of the workweek from 60 hours to something less than that, and whether or not you think that was being recommended—which is really the opportunity for workers to sign up for more than a 40-hour workweek—and whether you think that's an appropriate direction to be going.

Mr Jesin: It's not something I've given a lot of thought to recently because, as I've indicated, most of my experience has been in labour relations and, in particular, in construction—not just in construction; I'd say that a very strong component of my practice was in industrial relations too. We've done some employment work over the years and some work under the Employment Standards Act. I'm familiar with it, although we haven't practised in that area extensively. I'd like a reduced workweek for myself. But in all fairness, I'm sure there are arguments to be made on all sides. Our job is really to interpret and apply the legislation, and that's what I hope to do.

Ms Horwath: In your particular experience representing the union side at the board, do you see that there are any procedural changes or anything that needs

to occur, or do you think that the system, as it sits, is effective and efficient?

Mr Jesin: I've looked at the system over the years—again, the rules have been tweaked and the procedures have been tweaked over the years. Don't take anything from this, but I think that the system is as good as the quality of the adjudicators that are dealing with it. I think, over the years, the quality at the labour board has generally been fairly high. As long as the goal, again, is to facilitate disputes, the ways are there, under the current rules, whether we tweak them or not, to find solutions to problems in such a way that allows the parties to move on.

Ms Horwath: I don't think I have any more questions.

The Chair: OK. The government?

Mr Parsons: No questions.

The Chair: The Conservatives?

Mr Tascona: I'm delighted to have Mr Jesin in front of us here today. It's good to see you.

Mr Jesin: Thank you. It's nice to see you again.

Mr Tascona: I didn't know you ran as an MLA. What year was that?

Mr Jesin: I ran against the current minister, Mr Kwinter. Talk about trying to bash my head against a brick wall.

Mr Tascona: What year did you do that?

Mr Jesin: That was not the last election, but the one before that.

Mr Tascona: So 1999?

Mr Jesin: Yes.

Mr Tascona: I just wanted to ask you a few questions, because you're very qualified to be at the board. I just wanted to ask you, how did you hear about the position?

Mr Jesin: I had been actually seeking a career change, or thinking about a career change, for some time. As part of that, I guess I'd let it be known that I was thinking of a career change. I don't know who approached who. I may have approached the current chair, Mr Whitaker, and just mentioned that to him, and at some point he called me and said that there was an opening. We had a chat, and then I filled out my application.

Mr Tascona: The only opening was for part-time as opposed to full-time?

Mr Jesin: I had let it be known that that's what I was seeking. I guess I was told there was a part-time opening.

Mr Tascona: What would you do with the rest of the time? Would there be some legal activity you'd be doing?

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Mr Jesin: I have hung my shingle out as a private arbitrator, and I am trying to build a practice.

Mr Tascona: In the labour relations field?

Mr Jesin: That's correct, and mediator.

Mr Tascona: How's Mr Watson taking this?

Mr Jesin: The practice continues to thrive. I have the greatest respect for Mr Watson. I think he's doing well. I hope and I think that the firm will continue to do well.

Mr Tascona: Good. You've appeared at the board for many years. Do you have an opinion on how the hearings process can be improved at the board?

Mr Jesin: I think that a lot of the quality—and I've mentioned this before—has to do with the quality of the adjudicators. I think there's a good group being assembled now; I think there's a good group there right now. When you have a group which conducts hearings in a somewhat efficient manner so that time isn't wasted, and which issues decisions in a reasonably timely fashion, and where the decisions themselves are reasonable, then you have really high-quality adjudication. I think the group that is being assembled now, of the people that I know, is certainly moving in that direction. I think there is a good group there.

Mr Tascona: I think you may be commenting on the quality of the adjudicators over time.

Mr Jesin: No. I'm not saying this to be critical. I think that labour board adjudication has generally, throughout my entire experience, been of a very high standard. That's not to say there haven't been any inconsistencies in there, but I think it has generally been of a high standard and continues to be of a high standard. I know that the workload at the board is very, very high. So it's tough in practice, and I'm sure it's tough at the labour board at times to conduct business efficiently, but I think there is a good group there right now, and that's consistent with the way things have been over time.

Mr Tascona: Let me ask you a question with respect to the venue. Toronto is the headquarters for the board. Does the board do any travelling outside of Toronto these days?

Mr Jesin: As far as I know, in the cases I've been in, if a party from out of town has asked for a hearing to be conducted out of town, then I think that after the first day of hearings those requests have generally been granted. I have conducted hearings in recent years in Windsor in particular. But out-of-town parties aren't always asking. I don't know what the policy is, but in cases that I've been involved in where parties have asked, the cases have been conducted out of town.

Mr Tascona: That's where there's sort of an extended hearing?

Mr Jesin: Yes.

Mr Tascona: Based on your experience, can you comment on how this experience will shape the perspectives you'll bring to your work on the board, bearing in mind that you come from a union background?

Mr Jesin: Let me try to answer it this way. I got a copy of my Canadian Lawyer magazine in the morning mail. There's a section in there about lawyers on the management side. I was particularly interested in the comments—John West from Ogilvy Renault talked about how practice has evolved and how successful lawyers on the management side are really trying to advise their clients not on how to fight with unions, but on how to get along with them. By doing that, that helps their business go better.

I think lawyers in practice on both sides have known about that for a long time and have always tried to find ways to get practical solutions that avoid continuing acrimonious battles. I've found that good counsel on the management side do that and good counsel on the union side do that. If we bring that practical approach to trying to resolve disputes and helping the parties resolve disputes, I think our experience and practice can help in that goal.

Mr Tascona: That's all the questions I have. Thanks very much.

The Chair: That completes the interview, Mr Jesin. Thank you for coming.

JEFFREY LEVY

Review of intended appointment, selected by official opposition party: Jeffrey Levy, intended appointee as member, Justices of the Peace Review Council.

The Chair: I am now pleased to call forward our seventh interview, Mr Jeffrey A. Levy, the intended appointee as a member, Justices of the Peace Review Council. Welcome, Mr Levy. As you probably heard, you may make an initial statement. Following that, if you choose to do so, there will be questions from the committee.

Mr Jeffrey Levy: Thank you, I do have some comments. Madam Chair, members of the committee, I'm pleased to be here this afternoon to discuss with you my qualifications for appointment as a member of the Justices of Peace Review Council.

I graduated from McMaster University in 1977 with a bachelor of commerce and from the University of Windsor in 1980 with a bachelor of laws. I have been in private practice in Hamilton as a trial lawyer since my call to the bar of Ontario in 1982.

For the last 22 years, my practice has consisted almost entirely of litigation; mostly criminal law but also civil litigation and family law. In 1983, I was appointed by then-Attorney General, now Chief Justice of Ontario, Roy McMurtry, as a part-time assistant crown attorney, allowing me to prosecute cases in provincial court on behalf of the local crown attorney's office. At the same time, I was developing my criminal defence practice both in provincial court, now called Ontario Court of Justice, and district court, which later became Ontario Court (General Division) and is now called the Superior Court of Justice. I have also appeared in the Ontario Court of Appeal on a number of occasions.

In 1992, I was appointed as a deputy judge of the Hamilton Small Claims Court, where I preside in civil trials regarding amounts up to $10,000. Of approximately 15 deputy judges in Hamilton, I am the second in seniority.

In 1994, I was appointed as a standing agent of the Attorney General of Canada for federal prosecutions. As the senior federal prosecutor in Hamilton, I regularly prosecute individuals charged with offences under the Controlled Drugs and Substances Act. I also on occasion prosecute people charged with income tax and other offences under federal statutes. At the same time, I have continued my criminal defence practice representing people charged with offences under the Criminal Code of Canada.

Following my appointment as a federal prosecutor, in 1995, I was appointed as an agent of the Solicitor General of Canada in regard to obtaining authorizations for wiretaps when these are necessary for police investigations of major drug offences.

During my 22 years in practice, I have appeared before justices of the peace thousands of times and conducted hundreds of bail hearings, both as federal prosecutor and as defence counsel. I have also frequently appeared before justices of the peace in provincial offences court, representing clients charged with Highway Traffic Act offences and other offences under various provincial statutes. I have also prosecuted before justices of the peace in provincial offences court on behalf of the Crown Attorney's office.

I have also been involved in volunteer work for many years, both professionally and in the broader community.

I have been an active member of the Hamilton Criminal Lawyers' Association where I was secretary-treasurer and then vice-president. I have served on the Unified Family Court bench and bar liaison committee and am currently a member of the Hamilton Ontario Court Of Justice user committee, which is chaired by the local administrative justice and includes all of the stakeholders involved on a daily basis in the Ontario Court of Justice, including the local administrative justice of the peace and the local crown attorney. I am also presently a member of the Hamilton Police Service youth drug diversion committee, which has set up a pre-charge diversion program for youths charged with possession of small amounts of marijuana and cannabis resin.

In the broader community, I was national vice-president of B'nai Brith Canada for three years until 2001 and have been a member of the public affairs committee of the Hamilton Jewish Federation for a number of years. I am presently a member of the Hamilton Police Service interfaith committee and the safety and security team of the Strengthening Hamilton's Community Initiative.

I am a member of both the Liberal Party of Canada and the Ontario Liberal Party and have donated to both. However, I also made a donation to Toni Skarica when he ran for election with the Ontario Conservative Party in 1995, and in 1984, I voted for Brian Mulroney.

I believe that my background and experience—

Mr Peter Kormos (Niagara Centre): You're obviously not playing to us, are you?

Mr Levy: No. Sorry, Mr Kormos.

I believe my background and experience makes me well qualified to serve on the Justices of the Peace Review Council. In making decisions regarding the liberty of individuals charged with criminal offences and presiding over trials on all manner of offences under provincial statutes, justices of the peace obviously have an extremely crucial role to play in the administration of

justice in Ontario. Having appeared before justices of the peace regularly from both sides of the courtroom for the last 22 years, I believe I can make a positive and balanced contribution to the work of this important council.

Thank you for giving me the opportunity to address you today. I am happy to answer any questions you may have.

The Chair: Thank you very much, Mr Levy. We're going to begin with the government.

Mr Parsons: Brian Mulroney?

Mr Levy: I believed him at the debate. What can I say?

Mr Parsons: No other questions.

The Chair: The Conservatives?

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Mr Tascona: Another thorough grilling by the government.

Thanks for coming here today. It's certainly a pleasure to see someone as qualified as yourself, but I do have to ask the question: Since you appear in front of JPs all the time and you're a criminal lawyer, how are you going to balance that in terms of a conflict?

Mr Levy: First of all, I should say my practice is almost solely confined to Hamilton—I go out of town very rarely these days—and there are five, six or seven justices of the peace in Hamilton. The only time there would ever be a conflict, that I see, is if there were a complaint made against any justice of the peace in Hamilton whom I appear in front of that had to be dealt with by the council. In that case, I think the appropriate thing would be to not take part but I would take direction from the chief justice, who is the chair of the council. But other than that, I don't see any conflict.

Mr Tascona: Yes, but do you not think that because of this role you would intimidate justices of the peace who know you're on the review council in terms of how they would deal with you? Let's be honest: You have a powerful position. You're the review committee for their job.

Mr Levy: I think some justices of the peace find me intimidating anyway in court, and I say that with respect to the justices of the peace, because I am very thorough when I appeal in front of them, particularly on bail hearings. I don't think that would change anything because, as I said, if there were a complaint against any particular justice of the peace whom I regularly appear in front of, I expect that I would be asked, and would be prepared certainly to offer, not to take part.

Mr Tascona: No, I'm not talking about a complaint; I'm talking about your own particular practice in terms of getting what you want to get. You're there trying to make your points and argue your points and represent your client properly, whether it's government or whether it's an individual or a corporation. But just that spectre of the fact that you're the overriding body that deals with the behaviour and performance of these individuals, do you not think that would put them in an uncomfortable position, having to face you?

Mr Levy: No, I don't. I read recently that Alan Gold, a very prominent criminal lawyer in Hamilton, was recently appointed to the Judicial Appointments Advisory Committee. I know he appears in front of judges in Toronto and elsewhere all the time, and I don't think they would consider that intimidating because he's on that committee. I don't think there would be any difference being on this committee.

Mr Tascona: OK. Let me ask you this: Looking at the qualification of JPs, whether it's non-presiding or presiding—and there was some discussion of this in Alberta with respect to the qualifications of JPs which you may or may not be aware of—do you think JPs should have a law degree, given their role and responsibilities in the legal system?

Mr Levy: I did hear during the last government, after the justices of the peace received what I heard was a fairly substantial raise, that the government was going to implement a policy that only lawyers would be qualified to be justices of the peace. I don't think that's happened. I think you need a person sitting as a justice of the peace who understands the law and the process. If a person can do that without being a lawyer, then it may not be necessary. However, I think the responsibility of the council in making reports to the Attorney General about prospective candidates for justices of the peace is subject to the legislation, and as long as the legislation doesn't require there be a lawyer, I don't think the council has any role in giving an opinion in that regard.

Mr Tascona: The reason I say that is because it's interrelated in terms of the fact they can sit until they're age 70 and, quite frankly, the review process is complaint-driven as opposed to monitoring performance in terms of how they do on a day-to-day basis. Do you think there should be another way to assess the performance of a justice of the peace, considering the fundamental role they play and that perhaps some lawyers or judges don't think they're exactly up to the job and yet they've got that tenure to 70?

Mr Levy: If lawyers or judges don't think that a particular justice of the peace is up to the job—

Mr Tascona: But it's not conduct-related. It's just basically whether they do their job.

Mr Levy: I understand that, but lawyers can evaluate that from appearing in front of them, aside from conduct-related. In other words, complaints can be made, I would think, not just about conduct but about the qualifications, the manner in which the person performs the job. As long as the legislation provides that the discipline process or the review process is complaint-driven, that's what the council has to deal with. It's really up to the elected representatives, if they so choose, to change that. Then the council will have to do that.

Mr Tascona: I realize that, but what do you think? What's your opinion? Do you think that dealing with JPs should just be a complaint-driven system, or should there be some other method of gauging and judging performance?

Mr Levy: As a prospective member of the council, I don't think it's up to me to tell the government or the

Legislature how to do its job. I don't think my opinion in that regard—that's a policy question. I know that the review council is not a policy body. It implements the policy that it's given. It implements the procedures that it's given. I don't think it's appropriate for me to provide a personal opinion in that regard as a prospective member of the council.

Mr Tascona: What do you think of the selection process at this point? Do you think it should be changed or upgraded?

Mr Levy: As I understand the selection process, individuals apply. The names are sent to the Attorney General, who then sends a short list to the council to interview those individuals and then thay send a report back to the Attorney General. That's my understanding of the process currently. It appears that the process is an application-driven process.

Wouldn't we all like to see a process where people are approached to apply for a particular role or to be offered a role—not only justices of the peace but judges? Wouldn't we all like—and I'm sure Mr Kormos would agree—to be approached by somebody who says, "We'd like you to be a judge. Come on board"? That's not the way it works. It works as an application-driven process. I don't see any particular change in that process in that regard.

Having said that, if the process were to change, then it would be up to the council, if it were still the appropriate body, to implement whatever process is implemented by the Legislature.

Mr Tascona: OK. Thanks very much.

The Chair: Mr Kormos?

Mr Kormos: Thank you kindly. I listened carefully—by the way, to Mr Tascona's comments about the potential conflict, obviously you're going to seek counsel, should you be appointed, and I'm confident you will be, because they've got the majority and they've already signalled and it's been a wink and a nod.

I don't know what advice you're going to get, but this is not the appointments committee, this is the review committee, which I put in a different—you made reference to Gold and the appointments committee. To me, that's a far different kettle of fish, in terms of the impact or ramifications of the observations Mr Tascona made. I had never really reflected on that until now. But it would be easy enough for you to simply say, "I'm not going to appear in front of JPs." There are a whole lot of other venues you're going to be able to continue to work in.

You voted for Mulroney in, what, 1984?

Mr Levy: Yes, sir.

Mr Kormos: It didn't do you any good, because you didn't start to get federal appointments until the Liberals were elected.

Mr Levy: I was appointed in 1994, almost a year after the election. That's correct.

Mr Kormos: So those are patronage positions too.

Mr Levy: My position as a federal prosecutor is an appointment by the Liberal government. It's patronage, I have no doubt. However, I can tell you, Mr Kormos, that I would not have applied for it if I didn't think I was qualified.

Mr Kormos: And I have little doubt that if you weren't qualified, you wouldn't have been appointed. The problem is that justices of the peace in this province, in contrast to provincial judicial appointments—that goes back to the Ian Scott days and the reforms of Ian Scott; I was fortunate to be here—remain very much patronage appointments.

Mr Levy: I can't comment on that, because until I decided to apply for appointment to this council, I really didn't know much, if anything, about the appointment process of justices of the peace. We saw new ones come through and new ones being trained coming into Hamilton. What their background was, I certainly never asked and wasn't aware of.

Mr Kormos: Where else do you think the incredible number of incompetent justices of the peace came from? Please.

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Mr Mario Sergio (York West): Peter, come on.

Mr Kormos: No, you come on.

Mr Levy: The council certainly isn't only a review council in dealing with discipline, though. It does deal with the appointments process. The council therefore has to make certain recommendations, a report to the Attorney General, in regard to the names of those whom they've interviewed.

Mr Kormos: Michael Bryant, the Attorney General, made a commitment in January, as was confirmed to us in the briefing notes competently provided by research, to review the appointments process. CBC television did a little piece a couple of months ago blowing the whistle on the dogs that had been appointed by virtue of the patronage.

Laughter.

Mr Kormos: Well, did you see the program?

Of course, the two most recent and most notorious disciplinary actions—I call one the honk-honk incident. Do you remember that? The JPs got all drunked up at the JP convention. One JP sexually assaulted his colleague, a woman, and then did it again. He was ordered to attend counselling of some sort.

Then, the other one, of course, which apparently gave rise to the Attorney General saying, "Whoa, we have to review this process," was the JP in Toronto—that hat. Do you remember the hat incident?

And then the articling student. The JP wasn't very smart, besides being incompetent, because the articling student was articling for a very prestigious criminal lawyer, right? The JP should have known that all hell was going to break loose when the kid got out of there. Do you remember that he wouldn't let the student leave the courtroom to go to the bathroom?

Mr Levy: I read about it, yes.

Mr Kormos: In my view, the Attorney General should be consulting members of this council when it comes time to review the appointments process. What advice have you got for him about cleaning up the pro-

cess and not appointing any more incompetent, pompous, self-serving, arrogant victims of judgeitis to the JP bench?

Mr Levy: First, let me say that as I understand it, there are approximately 300 justices of the peace in Ontario, both presiding and non-presiding. You've mentioned two incidents which were very highly publicized recently. I don't disagree with you that some justices of the peace are far more competent than others. I certainly have experienced that in my practice.

By the way, I will say that I don't believe I would have to cease appearing in front of justices of the peace if I'm appointed to this council.

Mr Kormos: I don't know. Ms Smith might have counsel for you.

Mr Levy: The issue of changing the process—and I read the comments of the Attorney General about that. If he chooses to do that and that changes either the way in which the process is conducted or even the composition of the review council, that is something the Legislature has to deal with. I don't know and I don't really agree that the review council itself would be consulted by the Attorney General in that regard. I don't think that's the review council's mandate. The review council's mandate is to implement the policy that it's given. It's not to give the politicians or the Attorney General feedback or to comment about prospective changes to the process; it's to implement the process as they are directed. So I don't see that my opinion or indeed that of the members of the council would be asked for in that regard.

Mr Kormos: Are you telling me that if you get this appointment and then Bryant contacts the council and says, "Can we have a sit-down and can you just give me your views on how we could improve the appointments process?" you're going to say, "Well, Attorney General, go pound salt, because that's not part of our mandate"?

Mr Levy: No, of course not. I would never say that. My point is that I don't think he would do that because I don't think it's part of the council's mandate.

Certainly, he has made comments about appointing only the best people. He has made comments about it being a transparent process. I don't disagree with his comments. I think that's appropriate.

How do you take it out of the patronage realm, as you've called it? The appointments by government are often, if not always, going to bring accusations by others of patronage. I don't know that you're ever going to fully get away from that.

Mr Kormos: They only bring the accusations of patronage when you have Liberal governments appointing Liberals. That's why Liberal governments appoint the occasional New Democrat—or so-called New Democrat—or Conservative.

Back to the actual patronage scenario and the issue of—clearly, the Attorney General has concerns about the incompetent people who have been functioning as justices of the peace.

Mr Levy: I don't wish to tar all justices of the peace with the same brush, saying they're all incompetent. There are some who are competent and some who aren't competent, the same as there are some lawyers, criminal and otherwise, who are competent or incompetent.

Mr Kormos: Quite right. The chiefs of police, as you know, prepared a report, a year and a half old now, that expressed serious concerns about lazy justices of the peace. Are you aware of that observation by the Ontario chiefs of police association?

Mr Levy: I wasn't specifically aware of their observation, but I've observed it myself.

Mr Kormos: Justices of the peace who are on the duty roster who don't want to show up at inconvenient hours?

Mr Levy: I don't know specifically about that, although I do know there was a time when justices of the peace used to do things like issue search warrants after hours and go to the jail to do releases, which they don't do anymore. The telewarrant system was implemented to resolve the one issue; I don't know if the other issue was ever resolved.

Mr Kormos: Understanding the argument being used by justices of the peace and other members of the judiciary—that is, again, very loosely, the independence of the judiciary—how do you, in a supervisory—because it is supervisory—and a disciplinary role, deal with lazy and incompetent justices of the peace and at the same time respect their independence?

Mr Levy: The only way you can deal with them is if there is a complaint about them that comes before the council, which can then perform the duties that the council is given in the complaint process, which is to investigate and recommend an inquiry if necessary.

Mr Kormos: The briefing notes I have indicate that JPs have mandatory retirement at the age of 70, and the Liberals, as you know, have indicated that they're going to abolish mandatory retirement.

Ms Smith: Except for you.

Mr Kormos: Ms Smith wants me to retire. Not yet, Ms Smith. There may be snow on the roof, but there's still fire in the furnace. They've been trying for years.

Does this mean that we're not going to have mandatory retirement for justices of the peace either?

Mr Levy: I have no idea. I couldn't answer that. I wouldn't know. I don't know what the government is thinking in that regard.

Mr Kormos: Well, if they say you shouldn't have to retire at a fixed age, that's discriminatory.

Mr Levy: There's already mandatory retirement for federally appointed and provincially appointed judges. I can only go by what I've read in the paper. If they abolish mandatory retirement—I thought they meant mandatory retirement at 65. How that might impact on justices of the peace, I have no idea.

Mr Kormos: OK. What about numbers of justices of the peace and access to JPs? You've seen bail courts where—you know what's happening—people are spending horribly long lengths of time not in pre-trial custody but in pre-bail hearing custody. At the end of the day, you, as an experienced lawyer and a prosecutor from

time to time, know full well which of those people are going to get released and which aren't, don't you? You'd have pretty good odds of being able to pick out the ones that are going to get released sooner or later, wouldn't you?

Mr Levy: We make every effort in Hamilton, and we've developed some extra bail courts that are presided over by justices of the peace to deal with that issue. It's a constantly evolving process in order to improve the system. There is currently a committee, chaired by the local administrative justice of the peace, that involves different players in the system, including the president of the local Criminal Lawyers' Association, one of my colleagues, one of the other federal prosecutors, the crown attorney and several others, to continually improve the system. Should there be more justices of the peace? Probably.

The Chair: Thank you very much, Mr Levy. Our time is up. We do appreciate your coming here today, and we wish you all the best.

We have one individual left, one appointee for an interview, Mr Ron Fotheringham. We understand he will be here shortly.

Ms Smith: He's definitely in the building. We're just looking for him right now.

1400

The Chair: OK. One of the things we could do in the interim, if you like, is move to concurrence and deal with the other appointees. Shall we do that?

Ms Scott: Joe's missing. Do you want me to get him?

The Chair: We will begin with our first appointment—Ms Scott went to seek out Mr Tascona.

We will now consider the intended appointment of Dr Gerald R. Stephenson, intended appointee as vice-chair of the Pesticides Advisory Committee.

Mr Parsons: I would move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion?

If not, all in favour? Opposed? The motion is carried.

We will now consider the intended appointment of Bruce Binning, intended appointee as a member of the Ontario Labour Relations Board.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion?

If not, all in favour? Opposed? The motion is carried.

We will now consider the intended appointment of Chisanga Puta-Chekwe, intended appointee as a member of the Social Benefits Tribunal.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion?

If not, all in favour? Opposed? The motion is carried.

We will now consider the intended appointment of David L. Knight, intended appointee as a member of the Ontario Securities Commission.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion?

If not, all in favour? Opposed? The motion is carried.

We will now consider the intended appointment of René Fontaine, intended appointee as a member of the Ontario Northland Transportation Commission.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion?

Ms Scott: I'd like to make a comment. I'd beg indulgence of the members of the government to consider what type of appointment they would like to see for this gentleman. You know his history, and I think it's an example you don't want to set by appointing this gentleman, given his past history of having to step down. He was certainly in conflict of interest, judged by a committee. I just wanted to mention that I didn't agree with the appointment, and I would call for a recorded vote on that, please.

Ayes

Berardinetti, Mitchell, Parsons, Smith.

Nays

Horwath, Scott.

The Chair: The motion is carried.

We will now consider the intended appointment of Norman Jesin, intended appointee as a member of the Ontario Labour Relations Board.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion?

If not, all in favour? Opposed? The motion is carried.

We will now consider the intended appointment of Jeffrey A. Levy, intended appointee as a member, Justices of the Peace Review Council.

Mr Parsons: I again move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion?

Mr Tascona: I certainly believe Mr Levy is qualified in terms of profession and everything, but I do see—and I think it's going to have to be raised with the Justices of the Peace Review Council—a conflict of interest if Mr Levy continues to appear in front of justices of the peace and hold that particular position. There is no doubt in my mind there is an intimidation factor. I'm not commenting on his character or whatever; I want to make that clear. But the fact that he's a criminal lawyer and that he's also on the Justices of the Peace Review Council and he's appearing in front of the justices of the peace is definitely a conflict of interest, if there ever was one. So in that regard I have great difficulties with that. The Justices of the Peace Review Council may be the final arbiter in terms of saying, "This is what you're going to be able to do. You're not going to appear in front of any justices of the peace in Hamilton." That's something that would be proper and should be forthcoming.

Those are the comments I want to make on the record, and, based on the information we have at this point, I can't support the nomination.

The Chair: All in favour? Opposed?

Mr Tascona: I want a recorded vote.

Ayes

Berardinetti, Horwath, Mitchell, Parsons, Smith.

Nays

Scott, Tascona.

The Chair: The motion is carried.

That brings us to our last appointee.

RON FOTHERINGHAM

Review of intended appointment, selected by official opposition party: Ron Fotheringham, intended appointee as member, Ontario Lottery and Gaming Corp.

The Chair: Our eighth interview today is with Ron Fotheringham, the intended appointee as a member of the Ontario Lottery and Gaming Corp.

I would invite you to come forward, Mr Fotheringham. As you know, you do have an opportunity to make an initial statement. If you choose to do so, that will be followed by 10 minutes of questions being allocated to each party. Welcome. Did you wish to make a statement?

Mr Ron Fotheringham: Yes, I'll take just a couple of minutes, if you don't mind. I'm pleased to submit my name, and thank you for the opportunity to be considered for this position.

Just a bit of personal background: I was born, raised and educated, and worked all my life, in Ontario. I have paid a lot of Ontario taxes. I have a career in business and business management, management consulting. I am now retired, but I still keep my hand in in consulting to client friends and community organizations. I have been married for 41 years. I've lived in various places, such as Hamilton, Burlington and Bolton, and I now live on Stoney Lake in North Kawartha township. I wouldn't normally say this in an interview, but I don't gamble. I'm a non-gambler, OK?

I'm interested in this position with the OLGC because it's a large, highly complex and important industry in Ontario, and, I'm sure, with some very highly interesting strategic challenges. My primary motivation is to contribute to my community in a tangible way, and I believe I might make an important contribution to the OLGC in three specific ways that I can see:

(1) Marketing experience and marketing expertise to provide marketing oversight at the board level on a budget that I understand is in the order of $250 million.

(2) A breadth of experience in making judgments in complex businesses as a consultant, as a mentor and as a strategic planner, in an exceptionally broad range of businesses all over the world.

(3) Facilitation skills. I believe I have some expertise in processes that arrive at decisions and planned development.

In other words, I believe this job that I'm applying for fits with my experience, and vice versa.

The last point I'd like to make is what I hope to get out of it. First, I expect a steep learning curve with a unique business, a business with unique needs, drivers and clients. Second, I hope to get a feeling of contribution to the community on something that's very important. Obviously, when we're talking about something that's $2 billion to the Ontario government, that seems to be important to me. Finally, I feel I want to get out of this some grappling with challenging and important questions and problems so that I can maintain the health of my little grey cells.

That's my statement.

1410

The Chair: Thank you very much, Mr Fotheringham. The Conservative Party—questions?

Ms Scott: Welcome today to Mr Fotheringham, who is a constituent of mine. I have to say you've come highly recommended from the communities of Peterborough, Peterborough county and the Kawartha Lakes for the contribution to public service that you've made since you retired up there in beautiful Stoney Lake.

We just have to confirm, how did you hear about this appointment?

Mr Fotheringham: I got a call out of the blue from Tim Reid, who is chairman of the OLGC. He told me that my name had been recommended to him by a common friend. He's a member of the board of VIA Rail, and one of the other members has been a client and friend of mine for 15 or 20 years. He's on the board of the British Columbia Lottery Corp. I think, during long conversations he's had with this fellow, he probably asked the question, "Got anybody in Ontario that you know that you could recommend?" and my friend recommended me highly, I understand.

Ms Scott: I'm sorry, what does your friend do?

Mr Fotheringham: When he was my client and friend, he was vice-president of marketing at Scott Paper out in Vancouver, but he is now a VIA Rail member and also a member of the board of the British Columbia Lottery Corp.

Ms Scott: So he recommended your name?

Mr Fotheringham: Yes, he did.

Ms Scott: I see you've known Gerry Phillips before.

Mr Fotheringham: Oh, yes.

Ms Scott: You've been a financial supporter of the Liberal Party and Mr Phillips in the past?

Mr Fotheringham: Oh, I've shown up for 15 or 16 years at his annual fundraising dinner. Yes, I never miss that.

Ms Scott: OK. That's great.

What do you see about the marketing for the OLGC? Do you have any ways that you'd like it to go, like a more socially responsible way that you could see for marketing? Do you have any ideas? I know it's going to be a big learning curve, and I appreciate the fact that you've said that.

Mr Fotheringham: Tim Reid has been very careful in not telling me anything about the OLGC. In fact, all I know is what I read in the annual report.

When I look at a budget of $250 million, if I've got the number right, I think there's a matter of effectiveness and efficiency of that spending, but when it comes to social spending, it is an interesting question. I'm a fellow who grew up in a time when I thought gambling was illegal. Now that it's legal, I'm sure there are a number of problems associated with that. One of those problems, of course, is prevention and treatment of addictive gambling or gambling problems of that order. There's also a possibility of overstating our case and attracting people who really can't afford to do the sort of things that gambling entails. So I think there is a question of, we must do what's right. There's probably a balance here in terms of trying to build the business and at the same time being socially responsible.

Ms Scott: Have you been to Kawartha Downs? It's very close by.

Mr Fotheringham: No, I haven't. I've passed by it, but that's it.

Ms Scott: Those are all the questions I have, Mr Fotheringham.

Mr Tascona: Is there a name for this common friend?

Mr Fotheringham: Yes, his name is Don Pettit, but I don't think you'd know him.

Mr Tascona: I don't think I do. I know his name now, though.

Mr Fotheringham: I don't know if he wants to appear in Ontario Hansard.

Mr Tascona: Well, those things happen.

Mr Fotheringham: Yes, I guess.

Mr Tascona: There's a comment in your resumé. You're certainly well-trained: Procter and Gamble. Looking at this, you've done strategic planning consulting work. Do you still have that practice?

Mr Fotheringham: Yes, I personally do two, three or maybe four days a month on it.

Mr Tascona: You work for long-term friends, clients and non-profit organizations?

Mr Fotheringham: Yes.

Mr Tascona: You realize that non-profit organizations are organizations that could benefit from money from the Ontario Lottery and Gaming Corp under the training fund?

Mr Fotheringham: I suppose so. What I'm thinking of there, most recently, are things like Fleming College or Five Counties Children's Centre, which are, I think, under other departments or funding sources than Trillium.

Mr Tascona: Yes. I want to point that out to you because the fact is the training fund does support organizations such as non-profit organizations.

Mr Fotheringham: Yes, I understand.

Mr Tascona: I take it that you haven't had much discussion with Mr Reid in terms of what specific role you would have with the OLGC.

Mr Fotheringham: No. If this is a successful meeting, I plan to meet him for the first time this afternoon.

Mr Tascona: I just want to raise that because, obviously, you're doing consulting work with organizations that potentially could benefit from funding from the Trillium corporation. That's something you may not be aware of, but I think you should be aware of it.

Mr Fotheringham: I should point out that any of my non-profit work is all pro bono. I do it to keep my hand in it and to be—

Mr Tascona: I appreciate that. You don't know very much about OLGC. What do you think you can contribute? You have some comments here about how you can contribute, but what do you think you would want to really focus on? You mentioned problems in gambling. Is there a specific area that you want to focus on?

Mr Fotheringham: There are a number of things, but this is just as a reader as opposed to anything with any inside knowledge. Prevention and treatment, I think, would be one subject. Whether this should be a business that indeed grows, expands or consolidates or diminishes is something of a strategic nature that I think will be an important question. It does seem like a business that, although incredibly large, has reached a state of maturity. I'm most interested in contributing to that future direction, whatever it might be, but I don't have enough data, information and knowledge to be able to address that question.

I think that cross-border competition might be something else that I could be useful and contributory on. Finally, as I think I mentioned, marketing effectiveness and efficiency on a budget that large.

Mr Tascona: OK. Thanks very much.

Ms Horwath: Welcome. I guess I'm just kind of following up on the previous question. The whole ball of wax is quite controversial in Ontario with regard to the whole gaming system, the whole industry, if you want to call it that. Do you have any personal opinions on the expansion of the gaming system and the increase in the number of casinos and opportunities for video lottery terminals to be located across the province?

Mr Fotheringham: I don't have sufficient knowledge to say that, but when I look at what I can read, 37 million patrons appeared before these gambling establishments. It would seem that such establishments do seem convenient enough and accessible enough that this should be quite sufficient, but I really shouldn't even be allowed an opinion on that.

Ms Horwath: There has been a move in terms of the location of the headquarters of the commission. It used to be in Sault Ste Marie. It moved, I believe, in the year 2000 to Toronto. The city of Sault Ste Marie is asking that the headquarters be relocated and, with it, several hundred jobs to assist with the economy there. Do you have any opinion on that issue?

Mr Fotheringham: No, I don't. I'm afraid I've not given it any thought whatsoever. I'm sorry.

Ms Horwath: All right. You talk a little bit about some of your skills and your other capacities that you see contributing to this position. Is there anything that you wanted to share in terms of specific projects or

undertakings that you would like to see occur in regard to your position?

Mr Fotheringham: Not until I've talked to Mr Reid and understood where the strategic plan seems to be going at this particular point. I have a questionnaire that goes on for two pages with Mr Reid later on, in terms of things like—I'll refer to it—what he sees as the key issues. I'd like to understand a lot more about the autonomy of the board or relative interaction. I'd like to understand who my client would be, and I'd like to talk about marketing a lot.

I don't believe that OLGC has anything to do with allocation of funds. I don't know enough about it in terms of what happens to the money after it's turned over to the government. I'd like to know where his strategic plan is going. I'd like to understand these objectives in terms of expansion versus contraction and what I can do about helping out on that. I'd like to understand what my orientation would be and that sort of thing.

Ms Horwath: Again, in terms of your opportunity to apply, it was all through a friend of a friend type of situation?

Mr Fotheringham: Yes. It appears that way, anyway. This call, as I say, was out of the blue.

The Chair: The government?

Mr Lorenzo Berardinetti (Scarborough Southwest): No questions.

The Chair: Thank you very much for appearing here today, Mr Fotheringham. We do appreciate your coming forward and wish you all the best.

That will allow us, then, to move into concurrence and to consider the intended appointment of Ron Fotheringham, intended appointee as a member of the Ontario Lottery and Gaming Corporation.

Mr Parsons: I would move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? If not, all in favour? Opposed? The motion is carried.

Is there any other business before we adjourn? If not, the meeting is adjourned.

The committee adjourned at 1421.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 29 September 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 29 septembre 2004

The committee met at 0903 in room 151.

ELECTION OF ACTING CHAIR

The Clerk Pro Tem (Ms Anne Stokes): Good morning, everybody. Due to the absence of the Chair and the Vice-Chair at the moment, I would like to open nominations for an Acting Chair.

Mr Ernie Parsons (Prince Edward-Hastings): I would nominate Mr Arnott.

The Clerk Pro Tem: Thank you. Are there any other nominations? There being no further nominations, Mr Arnott, would you like to come forward as Acting Chair?

The Acting Chair (Mr Ted Arnott): Thank you very much.

Interjection: No one in your party actually voted for you.

The Acting Chair: Not so far. Thank you very much, committee members. It's an honour to serve in this capacity for a short time this morning in the absence of the regular Chair.

SUBCOMMITTEE REPORTS

The Acting Chair: Our first order of business is the report of the subcommittee on committee business, dated Thursday, September 2, 2004. I believe all committee members have a copy of that report before them. But in order to adopt it, we need a motion.

Mr Parsons: I would move adoption of the report.

The Acting Chair: Mr Parsons has moved adoption of the report of the subcommittee. Is there any discussion on the motion? If not, all in favour? Opposed? The motion is carried.

The next order of business is the other subcommittee report that you have before you, which is dated Thursday, September 9, 2004. Again, we require a motion to adopt it.

Mr Parsons: I would move adoption, Chair.

The Acting Chair: Any discussion on this motion? Seeing none, all in favour of the motion? Opposed? The motion is carried.

COMMITTEE BUSINESS

The Acting Chair: I'm required to put this item of business before the committee for your consideration, and it concerns the extension of deadlines. Pursuant to standing order 106(e)(11), unanimous consent is required by the committee to extend the 30-day deadline for consideration for the following intended appointees:

Patricia J. Reid, intended appointee to the Town of Fort Frances Police Services Board. Do we have unanimous consent to extend this deadline to November 13, 2004? Agreed.

Jan Donio, intended appointee to the council of the Ontario College of Teachers. Do we have unanimous consent to extend this deadline to November 3, 2004? Agreed.

INTENDED APPOINTMENTS

SEID TAHERI

Review of intended appointment, selected by official opposition party: Seid Taheri, intended appointee as member, council of the College of Audiologists and Speech-Language Pathologists of Ontario.

The Acting Chair: Now we will move to the appointments review. Our first interview is with Seid Taheri, intended appointee as member of the council of the College of Audiologists and Speech-Language Pathologists of Ontario. You may come forward and, as you may be aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there may be questions from members of the committee.

Welcome to the standing committee on government agencies. Please sit down. You may begin your opening statement.

Mr Seid Taheri: Distinguished members, I want to thank you for being given the opportunity of speaking before you today.

I was born in 1955 in the northwestern city of Urmieh, in Iran. I received my elementary and secondary schooling in the same hometown. I followed up my higher studies at the University of Tabriz, formerly known as Azerbaycan. There I was awarded a bachelor of arts degree, majoring in philosophy. Later on, I went to Turkey and enrolled my name at the Middle East Technical University of Ankara. I obtained a BA degree in sociology from the said university.

In 1987, I decided to emigrate to Canada. A short time after my landing, I founded Taheri Finance and Exchange. Since 1990, Taheri Finance and Exchange has

had a close business relationship with the well-known American Express company.

I have also been actively involved in social, charitable and sporting events. In 1992, I founded the Arya Sports Association, which played a successful role in promoting and disseminating education and sportsmanship, which have been undoubtedly established.

0910

My involvement in such events has come to the attention of governmental and non-governmental authorities in Canada. For instance, in November 2002, the Ontario government awarded me a letter of appreciation to acknowledge my 10 years of ongoing social and community services. In August 2003, the Secretary of State for Multiculturalism awarded me a certificate of recognition, congratulating me for my community services.

Thank you.

The Acting Chair: Thank you very much. We have time for some questions, as is the routine of this committee. From what I understand, the last time we started with the government party, and we are prepared to commence questioning with the New Democrats.

Interjection.

The Acting Chair: Mr Marchese, do you have a question?

Mr Rosario Marchese (Trinity-Spadina): Yes, I do. I was just asking that we go the other way.

The Acting Chair: You'd prefer to yield your rotation?

Mr Marchese: No, not yield. If they don't mind going first, that would be great.

The Acting Chair: OK. Mr Parsons.

Mr Parsons: We'll go first. We have no questions.

Mr Marchese: Amazing.

The Acting Chair: No questions. Mr Marchese, do you have any questions?

Mr Marchese: Yes. Sure, I have some questions.

Welcome, Mr Taheri. They have no questions. They must know you well, or they don't know you at all. I don't know; it's hard to say.

I was looking at your resumé and I wondered how your resumé might fit into this particular field. Is there a connection between the volunteer work that you've done and your interest in audiology or speech-language pathology?

Mr Taheri: I didn't apply especially for that kind of position. I was just interested in spending some time serving people. It has been decided by the government that maybe I could be suitable for this kind of position. It was not my idea, but generally I think I can be the person for it.

Mr Marchese: I suspect that you can manage it. What did you apply for? What was your interest, generally or specifically?

Mr Taheri: I have nothing specifically; just generally. First, I received a call from the Minister of Health's office. They asked if I can be of help in this field. I said that I have no problem. As long as I can do my duty for the public I would do it; my pleasure.

Mr Marchese: We're happy that you're interested in serving in whatever capacity somewhere. It just did occur to me that perhaps, in terms of your interests, this might not have been one of your preferred places to go. But did you originally apply to the government or to any particular minister to say, "I'm interested in serving," or did they call you?

Mr Taheri: They called me.

Mr Marchese: Because they know you somehow?

Mr Taheri: Not that much; through a friend of mine. He asked me if I could spend some time and I accepted.

Mr Marchese: OK. Are you familiar at all with some of the concerns that speech-language pathologists and audiologists might have?

Mr Taheri: Yes. I received some papers.

Mr Marchese: The ministry didn't brief you at all in terms of some of the questions that could come up?

Mr Taheri: Yes, of course. I got some papers, some samples that I studied a little bit to be prepared.

Mr Marchese: But they didn't give you a sense of what this group would be dealing with or the concerns—

Mr Taheri: Yes, they did.

Mr Marchese: They did? One of the papers we're given—we're always given fact sheets around the particular issues that we're about to debate. One of the issues that has been raised in the past is that while audiologists and speech pathologists "are not permitted to formally communicate a diagnosis to a patient, it is their professional responsibility to draw conclusions and recommend appropriate intervention. Because of the act's stricture, they are compelled to convey their assessment without using the word 'diagnosis' though effectively they are providing one, and recommend that the client see a physician, who is authorized to communicate a diagnosis." So they feel that they are diagnosing but they're not allowed to. Do you have any opinions in these matters?

Mr Taheri: That's the problem. I think we have to work out some solution to let them directly take care of their patients. That would be much easier. But my knowledge is very limited. First, I have to study and to understand what is the case and what we can do. But personally I think there shouldn't be that much limitation for audiologists and—

Mr Marchese: They should be able to diagnose without having to necessarily refer the matter to the doctor, where the doctor then has to make the recommendation.

Mr Taheri: Right.

Mr Marchese: Thank you.

The Acting Chair: Mr Tascona, do you have any questions?

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): Thank you, Mr Chairman. It's nice to see you here today. Thanks for coming. Can you tell me how you heard about this position?

Mr Taheri: A friend of mine.

Mr Tascona: Who's that?

Mr Taheri: Mr Bahram Fouladi. He's Iranian. Bahram Fouladi emigrated to Canada 23 years ago, I

believe. We work together in our community as a group for social works. He asked me if I can be any help, if I can spend some time for the public, related to the government. I said, "My pleasure, if I can."

Mr Tascona: So who contacted you from the government?

Mr Taheri: I received a call from the Minister of Health's office and they—

Mr Tascona: Who? Sorry?

Mr Taheri: The Minister of Health.

Mr Tascona: The Minister of Health's office. Who in that office?

Mr Taheri: I don't remember that person's name but maybe his secretary or someone else in his office.

Mr Tascona: When was that contact made?

Mr Taheri: About a month ago, I believe.

Mr Tascona: About a month ago, OK. And I know that you've had some interest in politics, I take it, from your community. Do you have an interest in politics?

Mr Taheri: I don't have an interest in politics, myself, at all.

Mr Tascona: Have you made any donations to a political party?

Mr Taheri: Yes, I did.

Mr Tascona: Which party?

Mr Taheri: For NDP, for Tory and for Liberal.

Mr Marchese: Any other party? What about the Communist Party?

Mr Tascona: Rosario, you're finished. It's my turn, OK? If you're trying to get a donation, ask him later. I'm not after a donation; I'm just trying to find out his background.

So what do you know about this position? What do you understand about it?

Mr Taheri: I don't know very much, but I know that there is a governing council, I know that eight or nine members are elected by college members, six or seven are appointed by the Lieutenant Governor in Council, and two are—

Mr Tascona: What do you know about the position, as to what you're going to do?

Mr Taheri: I am there to deal with the public concerns regarding this matter.

Mr Tascona: And why do you think you're qualified to do that?

Mr Taheri: For public work, I think I am a qualified person generally, but specifically I have to develop my knowledge in this particular field. I don't have any experience, but I can develop it.

Mr Tascona: In your background, you have a BA degree in sociology; is that correct?

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Mr Taheri: Yes, that's correct.

Mr Tascona: Do you have any experience in the health care field?

Mr Taheri: Not at all.

Mr Tascona: Not at all. And you have no education in the health care field; is that correct?

Mr Taheri: Yes, sir. I don't have any education for it.

Mr Tascona: So how do you think you're qualified to be on the council of the College of Audiologists and Speech-Language Pathologists, without any background education-wise or any background experience-wise?

Mr Taheri: As I said, if you make it very specific, maybe I would not be qualified, but if the public has to be represented there, I think I am a member of the public with some knowledge, and I can develop my knowledge.

Mr Tascona: Let me ask you this: What do think needs to be done in this area? How do you think you can contribute?

Mr Taheri: One thing I discussed with Rosario Marchese is that I think the professions in this field have to be able to deal with their patients directly, not necessarily under some physician's observation or their licence.

Mr Tascona: This is dealing with audiology and speech-language pathology. What do you think you can contribute to that particular profession? What do you hope to contribute?

Mr Taheri: As I said, sir, my information and knowledge are not very much. I have to understand the whole thing first, then I will be able to give a better idea about what is good, what we can do to deal with the problems and take care of the patients.

Mr Tascona: How did you prepare for today's meeting?

Mr Taheri: I just studied some information that I received from the minister's office, and that's it.

Mr Tascona: Did you receive any information before this meeting from the ministry?

Mr Taheri: No. By "before this meeting," you mean today?

Mr Tascona: Yes.

Mr Taheri: No.

Mr Tascona: OK. What made you want to apply for this college in the health care field? Why this one?

Mr Taheri: I didn't apply for this college directly. I just told my friend that, yes, I would be more than happy to spend some time in public work. Then I gave him my resumé. After maybe a few weeks, I received a call from the Minister of Health's office. They asked me if I could be in health, particularly in this field. I didn't refuse it. I said, "Yes, I can try it."

Mr Tascona: Who's your MPP; do you know?

Mr Taheri: My MPP is Mr David Zimmer.

Mr Tascona: I have no further questions.

The Acting Chair: That concludes our time. Thank you very much for coming forward to make your presentation to our committee. We appreciate your contribution very much, and you can now step down.

Mr Taheri: Thank you, sir.

Mr Tascona: I apologize for being late. I got caught in traffic, which is very bad.

I know you went through some preliminary matters, and I want to at least reserve some time today. I've got some points I want to make with respect to what this committee needs to be doing in terms of issues that have

arisen since the last time we met. So if you could keep that in mind.

The Acting Chair: When would you propose to do that; right before lunch, Mr Tascona?

Mr Tascona: At the call of the Chair.

The Acting Chair: I appreciate the request. I'm not going to be chairing all day long but I'm sure the Chairman would be prepared to entertain your comments.

Mr Tascona: Who's that? Is there going to be another Chairman?

The Acting Chair: The Chairman is Elizabeth Witmer.

Mr Tascona: I know. When is she going to be here?

The Acting Chair: I think she's here later on this morning.

Mr Tascona: Is that right?

The Acting Chair: Yes.

Mr Tascona: OK.

The Acting Chair: Thank you very much—

Mr Tascona: Maybe I'll make the points right now.

The Acting Chair: No. We're going to deal with Mr MacKnight.

ROBIN MacKNIGHT

Review of intended appointment, selected by official opposition: Robin MacKnight, intended appointee as member, Justices of the Peace Review Council.

The Acting Chair: Our second interview is with Robin J. MacKnight, intended appointee as member, Justices of the Peace Review Council.

Mr MacKnight, welcome to our committee. As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there may be questions from members of the committee. Each party will have 10 minutes allocated for their questions, and we will go in rotation. Any time you take in your statement will be deducted from the time allocated to the government party. You may make your presentation now.

Mr Robin MacKnight: Thank you, Mr Chair. Good morning, ladies and gentlemen. I've been given a copy of the material that I believe you have in front of you. When you look at it and see that I am an experienced tax lawyer, you'll probably ask yourselves, "What do tax lawyers have to do with justices of the peace?" What I'd like to do is point out a news release that came out yesterday, where a justice of the peace in Whitby convicted a businessman for tax evasion under the provincial Retail Sales Tax Act. So tax lawyers do encounter justices of the peace. I don't have a lot of experience dealing with them. Unfortunately, I occasionally encounter them dealing with parking tickets or, more realistically, representing clients who have been subject to a search-and-seizure order where a subpoena has been issued by a justice of the peace. But I do not generally interact professionally with justices of the peace.

For the purposes of this committee, I consider that a good thing, because I am unencumbered by any preconceptions about their role in the system, although I do appreciate what they do. They are the thin edge of the wedge. In many cases, they are the first part of the judicial system that most citizens encounter, and so they do play a critical role.

I feel I offer two strengths that can serve this committee. As a tax lawyer, you have to develop two key strengths in order to succeed. First of all, you have to be able to think outside the box. You have to constantly revisit established practices and procedures to determine if they remain effective and appropriate. Second, you have to constantly update your skills, and you have to re-evaluate government policy, economic policy, legal policy, social policy.

In the context of the JP review committee, I understand from the material I was sent that there are some proposals coming about how to revamp and revise the system. I think I offer the opportunity to provide a fresh look. As an outsider, I can challenge some of the preconceived notions that may exist in the system, and I think I'm a fast learner.

I look forward to working with this committee and hope I can make a contribution to its operations in improving the legal system.

Thanks for considering me.

The Acting Chair: Thank you very much, Mr MacKnight. I'm going to turn to the official opposition first for questions.

Mr Tascona: Thank you for sharing with us that court case in Whitby. I imagine any person of any background could appear in front of a JP, wouldn't you agree?

Mr MacKnight: That's true.

Mr Tascona: I don't think tax evasion is one of their major specialties.

Mr MacKnight: I hope not.

Mr Tascona: I wouldn't think so.

I want to thank you for coming here today, and would just ask up front, are you a financial supporter of the Liberal Party?

Mr MacKnight: Over the years, I have supported all the major political parties, including the Rhinoceros Party.

Mr Tascona: Is that right? Most recently, whom have you supported?

Mr MacKnight: Most recently it has been the Liberal Party, because of the candidates in my riding.

Mr Tascona: What's your riding, sir?

Mr MacKnight: Carolyn Bennett is our federal MP, and the Attorney General is our provincial MP.

Mr Tascona: How did you hear about this appointment?

Mr MacKnight: I asked the staff of the Attorney General's office if there were any areas where they needed assistance, and I was directed to the Web site.

Mr Tascona: Which staff in the Attorney General's office?

Mr MacKnight: There were several I talked to.

Mr Tascona: Do you recall their names?

Mr MacKnight: I think it might have been Miss Holland.

Mr Tascona: This position, which deals with JPs—as you know, there are two types, presiding and non-presiding, and I understand that the Attorney General is undertaking a review of this type of appointment. Are you aware of that?

Mr MacKnight: I understand there is a review ongoing. I don't know any of the details of it.

Mr Tascona: The type of work that the JPs have been doing, as you know, is obviously front-line, a very important position in the judicial process. Do you have any thoughts about the kind of qualifications a JP should have before they become one?

Mr MacKnight: I'm open on that. I assume they would have some kind of legal training. Given the nature of the offences they consider, they probably need training in other areas as well, probably psychology, the determination of mental capacity, things like that. But I would suspect they need some legal training.

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Mr Tascona: Do you think the current process of review for justices of the peace—do you know what the complaint system is?

Mr MacKnight: Just what I've read in the legislation and the material that was sent to me.

Mr Tascona: Do you have any thoughts on whether that is adequate, or should it be strengthened?

Mr MacKnight: Looking at it abstractly, it seems like it's not an inadequate system, but I'd like to hear some views of people who have actually gone through it to see if it really works. The way it appears on paper and the way it actually works are likely to be two quite different concepts.

Mr Tascona: OK, because part of your role is to investigate complaints against JPs.

Being a tax lawyer, what experience do you think you have that could benefit you in your role of investigating JPs in terms of complaints? What do you think you bring to the table?

Mr MacKnight: A fresh perspective. For a tax lawyer, people think the answers are always in the Income Tax Act, and that's generally not the case. You have to have an understanding of the law as a whole. I suspect that when you're looking at the actions of a justice of the peace, where a complaint has been filed, you have to have a broad perspective on what was done, what the alleged complaint is about and the context in which it arose. I think you just have to have an open mind.

Mr Tascona: But in your training as a tax lawyer, what do you think you can bring to the table? I know you have an open mind, but you don't need to be a tax lawyer to have that.

Mr MacKnight: No, you don't. In fact I don't think you need to be any kind of lawyer to have an open mind. But as a tax lawyer, I'm used to dealing with complicated issues—complicated fact situations—and distilling the essential elements. I suspect that is largely what is involved in the review process as well.

Mr Tascona: You said you have some knowledge of what the Attorney General is doing in terms of the appointment process?

Mr MacKnight: No. I'm aware, based on the material that was sent to me, that there is a review underway of how the appointment process works, but I don't know any of the details of that.

Mr Tascona: Was getting on this Justices of the Peace Review Council something you were specifically interested in?

Mr MacKnight: I asked if there were any areas in the legal system where assistance from outsiders, from people outside the political process, was required. I was referred to the Web site and told there are a number of areas, and so I applied to the public accounts—sorry, I'm used to dealing with finance committees—the Public Appointments Secretariat and saw this one and thought it would be interesting.

Mr Tascona: The Criminal Code says that arrested people must see a justice within 24 hours, or as soon as possible if one isn't available. Recently it seems JPs have decided that the setting of trial dates is a clerical function and have not made it a priority. The average wait for a bail hearing in Ontario increased to 12 days in December of last year. Do you think it's important that JPs conduct bail hearings and, if so, how would you work to ensure that new JPs take this responsibility seriously?

Mr MacKnight: Well, I'm concerned about any delays in the justice system. I read that excerpt as well, and given what's happened with Askov and the number of cases that have been thrown out because of delays, I think it's important that we address that issue. I think that is a critical role the JPs have to play. Something has to be done. If the committee determines that that issue should be reviewed, I'd be interested in participating in that process.

Mr Tascona: OK. Thanks very much.

The Chair: Mr Marchese, do you have any questions?

Mr Marchese: Yes. Welcome, Mr MacKnight. It's always amusing to go through this process, because when the Tories were in power the Liberals would be the attack dogs for this kind of issue, and the first question they would ask is the kind of question he asked: "Do you belong to a political party; who asked you?" and that kind of stuff. It's a pretty sad process, I've got to admit.

When we were in power, Bob Rae was very much concerned about not making appointments simply on the basis of party affiliation. Our own members, who had been shut out for so long, said, "Why are you doing that?" In fact, it was an incredible thing, because we appointed many people who had no party affiliation, to the anger of our own friends, who said, "We're not getting any appointments." To be attacked by the Tories and the Liberals for just making NDP appointments was a pitiful thing to see, actually. I just thought I'd share that—

Mr Parsons: Is there a question?

Mr Marchese: It's coming. The question is coming, Ernie.

I just thought I'd let you into that kind of history, because you weren't here at the time. Mario was here; Monique was here in different ways. But I thought I'd share that history with you, because it's very amusing to see it played out.

On January 5, 2004, Michael Bryant said he wanted to review the appointment process "with a view to ensuring that only the best candidates are appointed" and "that they're appointed in the fairest and most transparent way possible." What do you think he means by both of those comments, because they speak to some problem?

Mr MacKnight: I suspect he's trying to move to a merit-based approach, which I wholeheartedly support, and I suspect he's looking for a new process that would make it clear to people that qualified people are being appointed, to remove the cloud of something other than just a merit-based system. It would be similar to the process we just went through in new appointments to the Supreme Court of Canada.

Mr Marchese: So two questions obviously arise: Candidates are probably not appointed on the basis of qualification but rather on the basis of who they know; it's a problem—

Mr MacKnight: I can't comment on that, not having been through that process.

Mr Marchese: —and they're appointed in the fairest and most transparent way. That's what we're doing here today, for example; it's quite transparent. So I'm not sure how much more transparent we could make it. Do you think there's a way we could make this process much more transparent than this?

Mr MacKnight: I know that in the Ontario Reports, which is the publication that comes out weekly for lawyers, there are notices so that people can apply when justices of the peace are required, when there are vacancies. I think that's part of the transparency in the process: letting people know there is the opportunity to serve in this role. Having let people know that the opportunity to serve exists, one then has to go through to determine that one has got the right people filling those holes.

Mr Marchese: Right. So in other words, in the past we may not have publicized the fact that these openings were available, and therefore fewer people would know about it, possibly.

Mr MacKnight: Possibly. I've noticed there have been more notices in the ORs of late, within the last year or year and a half, than previously.

Mr Marchese: That's a good thing in and of itself. I think it makes it possible for more and more people to be aware of those positions and able to apply. In that way, I think it's useful. I'm not sure it makes it more transparent, but I think it's a very useful thing.

Part of the work of the council is to talk about responsibility for planning and continuing education of JPs, and you talked about two of your own qualifications or strengths; that is, that you constantly have to update your own skills, and you do that. Do you think that JPs are not getting the kind of continuing education they should be, or not enough, or maybe inadequate? Do you have some thoughts about what you would do?

Mr MacKnight: I suspect that JPs are like other members of the judiciary. I have friends on other courts, and they occasionally lament the fact that they rarely encounter certain types of issues and therefore feel unqualified when these issues come up; for instance, in tax court the goods and services tax is a difficult statute. I suspect the JPs are forced to administer a number of very complicated statutes, provincial sales tax being one, but also the Criminal Code, where there have been a number of conflicting decisions and directions from superior courts. So I think they probably need to have available to them some kind of education system to help them ensure that they are always at the leading edge, so that they're always aware of what's going on.

0940

Mr Marchese: Absolutely. Given what you said right now and given what you said earlier, that you think a lot of the JPs have some kind of legal training—I'm not certain about that. They don't have to be lawyers, is my understanding, and many of them are not. I think part of the complaint by the legal profession generally is that they should be, given the kinds of issues they have to deal with. My sense is that if they don't have legal training to bring them up to speed on particular issues, it isn't impossible but it could be difficult. Would it be your view that these JPs should in fact be lawyers, or are you OK with the current system the way it is?

Mr MacKnight: I'm not fixated on the fact that they're all lawyers. I suspect that there are some JPs, particularly in remote areas, who may not be lawyers but because they have been making the system work, they probably know more about the legal process, the criminal justice process, than any lawyers. It's like in a lot of law firms, where you may find that the real estate is actually being done by clerks because they know how the system works, rather than the lawyers who sign the letters. So the fact that there are JPs out there who do not have legal training, I'm sure they have learned a lot more on the job than they ever would have learned in law school.

Mr Marchese: So you're OK with the current system in terms of appointments.

Mr MacKnight: I would be reluctant to have a purge of people, saying that anyone who's not a lawyer could no longer serve as a JP, because I think they've probably served very well.

Mr Marchese: Sure. I suspect that's true.

Mr MacKnight: But on a go-forward, it may make sense to have a higher threshold. I'm open on that.

Mr Marchese: Right. I don't suspect people would be saying, "Let's purge," or "Let's immediately fire all those who are not lawyers." My suspicion is they wouldn't do that.

Mr MacKnight: Right. I would not support that purge.

Mr Marchese: No, but in the future, if there were a policy, as people retire, for example, one could say that,

as they retire, we will demand or require that people have a legal background or are lawyers. But you're saying that a lot of these people bring different skills and, as long as they have the intellectual mindset, they don't have to be lawyers.

Mr MacKnight: I don't think so. I think you have to have a willingness to make the system work first. A reliance on purely legal skills is probably not necessary.

Mr Marchese: Did you have any thoughts about this particular job before you applied for it, about what they did, what they should be doing, any beefs, any complaints, any ideas? Or are you just coming to it—

Mr MacKnight: As I mentioned before, I rarely deal with justices of the peace. In my practice, the only time I come across them is when I'm trying to defend a client against a search and seizure. I don't have a lot of history with them so I don't have any opinions on how they work in the system. I'm open to see how the proposed reforms go.

Mr Marchese: Thank you.

The Acting Chair: There's still time for questions from the government side. Are there any questions?

Mr Parsons: It appears, Chair, that the other parties have asked exactly the questions we intended to, so we will pass.

The Acting Chair: So that concludes the time allocated for you, Mr MacKnight. Thank you very much for attending this committee today. You may step down at this time.

Mr MacKnight: Thank you, Mr Chair.

GILLES MORIN

Review of intended appointment, selected by official opposition party: Gilles Morin, intended appointee as member, Assessment Review Board.

The Acting Chair: Our next interview is someone who doesn't really require an introduction around here: Mr Gilles Morin, who is the intended appointee as member for the Assessment Review Board. Welcome, Gilles.

Mr Gilles Morin: Good morning.

The Acting Chair: It's good to see you. I'm sure you know the drill here. You have a chance to make a statement—

Mr Morin: I find that life is full of surprises, because I used to be on this committee. I'm very proud to say that I participated in choosing our excellent Clerk, Claude DesRosiers, and also our Sergeant at Arms. Those are two candidates about which I feel that all of us made an extremely good decision.

Thank you, Mr Chair and members of the committee, for providing me with an opportunity to appear before you today and outline some of my career and life experiences.

After graduating from l'École supérieure Montcalm in Quebec City in 1951, I joined the Canadian army and did my officer training at Camp Borden. In 1953, as a second lieutenant of the third battalion of the of the Royal 22nd Regiment, the Van Doos, I was sent to Korea to lead a machine-gun and flame-thrower platoon.

Returning to Canada in 1954, I was promoted to lieutenant and became a recruiting officer for the Canadian Forces. In 1957, I was promoted to the rank of captain and appointed as aide-de-camp to Governor General Vincent Massey, and later served for a brief period under Governor General Vanier.

In 1959, I left the regular forces to join an investment firm. As a bond dealer, I specialized in municipal and school financing. I travelled extensively across the province of Ontario and established an excellent clientele in the financial and investment field.

In 1976, I was invited by Arthur Maloney, first Ombudsman of Ontario, to join his staff as director of rural, agricultural and municipal services. I was responsible for the establishment and management of all Ombudsman offices that operated outside of Toronto. I was also responsible for complaints emanating from the First Nations reserves located in northern Ontario.

In May 1985, I was elected to the Ontario Legislature in the riding of Carleton East, now known as Ottawa-Orléans. If I could make a little statement here, I understand that your former Minister of Tourism, Mr Coburn, is applying for the same job, and I cannot do anything else than highly recommend him. He was an excellent member and is also an excellent citizen of our area, of my sector.

I was subsequently re-elected in 1987, 1990 and 1995. In my political career, I served as parliamentary assistant to the Minister of Community and Social Services, John Sweeney, in 1987, and to the Minister of Colleges and Universities, Lyn McLeod, in 1988. In 1989, I was appointed minister for senior citizens. I also fulfilled the role of Deputy Speaker for many years.

In 1999, I was nominated by the then-Conservative government as a member of the Ontario Highway Transportation Board. The board is a quasi-judicial agency responsible for controlling market entry for the public vehicle or intercity bus industry. It is responsible for all economic regulatory matters pertaining to the intercity bus industry, ranging from consideration of applications for public vehicle services on the basis of public need to issuing licences to settling disputes between carriers and imposing penalties. I am still, today, an active member of this board.

I am very much involved in my community, serving as vice-president of the Perley and Rideau Veterans' Health Centre foundation and secretary to the board of l'hôpital Montfort, vice-chair of the Ontario Association of Former Parliamentarians, life member of the Royal 22nd Regiment, member of the Governor General's Foot Guards association and member of the Canadian Amateur Radio League. If any of you are ham radio operators, I operate under the call sign VE3VGW, so if you hear that sign, that's me.

I have acquired through the years extremely valuable experience which makes me well prepared for this new challenge presented by the Assessment Review Board. I

have learned that there is a dire need for francophones on the board; hence the reason I offered my services to the board and applied through the Public Appointments Secretariat. I admit from the start that, as a taxpayer, I am very familiar with the ARB, but I do not possess an intimate knowledge of their operation. However, I have been assured by the chairman of the board and others that they have an excellent training program. I feel confident that with proper supervision and exposure to different cases, I will meet all of the board's expectations.

I will be pleased to answer any questions you may have concerning my background and qualifications.

0950

The Acting Chair: Thank you very much, Monsieur Morin. It's wonderful to see you here, as I said earlier. I'd like to start with the government. Do you have any questions?

Mr Parsons: Just a clarification. You're currently on a commission—

Mr Morin: On the Ontario Highway Transport Board.

Mr Parsons: So this is in fact a transfer?

Mr Morin: That's correct. May I repeat, the reason I asked for the transfer is because I was told and I've learned—one of my colleagues, Bernard Grandmaître, sits on the board; some of you may remember. He was telling me that the demand for francophones on the board is extremely serious, especially in northern Ontario, areas like Cornwall, Hawkesbury and Ottawa, of course. This is the reason I offered my services. It's a part-time job.

Mr Parsons: I appreciate that. Thank you for being here.

The Acting Chair: Any more questions from the government side?

Mr Mario Sergio (York West): I have no questions, but I would welcome Mr Morin and congratulate him on the many years he spent in the House, serving the people of Carleton, and on his latest appointment. I wish him well on his new appointment. The only regret I have is that it's a part-time job. He's still so young and so dedicated that I think we should offer him a full-time job back here at Queen's Park. I don't know if he's interested in doing that, considering that life is perhaps better on the other side.

Mr Morin: I do miss politics.

Mr Sergio: And we miss you.

Mr Morin: It's like a heart that beats constantly. There's always something happening. That's what I miss, and I miss the collegiality.

Mr Sergio: It was nice to have you.

The Chair: I'll now turn to the official opposition.

Mr Tascona: Maybe you want to put that on the record and you can get that to the Premier.

Gilles, it's good to see you again. You were elected four terms as a Liberal MPP.

Mr Morin: That's correct.

Mr Tascona: When you retired in 1999, I had the pleasure of taking over your office on the main floor, so I appreciate that.

Mr Morin: It's a nice office.

Mr Tascona: Though my stay there wasn't that long.

When I looked at your application form, I noticed under the section indicating the board you wish to serve on—you signed this document December 19, 2003—you mentioned a meeting with Debra Roberts.

Mr Morin: That's correct.

Mr Tascona: Is it the same Debra Roberts who is the director of appointments in the Premier's office?

Mr Morin: She is in charge of the public appointments; that's correct.

Mr Tascona: In that application, you said, "Please refer to meeting with Ms Debra Roberts." I'm looking at the application here—and I'll just bring it to the clerk's and the Chairman's attention that there is nothing with respect to documentation about that meeting with Ms Debra Roberts at all.

Mr Morin: I can clarify that, if you want.

Mr Tascona: No, I'm just referring it to the clerk in terms of the format here. This is an application for appointment to agencies, boards and commissions, which is filled out by Mr Morin, like any other candidate. It says, "Name the agency, board or commission to which you are applying," and then it says, "Please refer to meeting with Ms Debra Roberts." I would have thought that would have been part of the documentation we would have received in addition to Mr Morin's curriculum vitae. Maybe you can look into that, as to why we were not given a copy of that, because it obviously formed part of the application, which is to come to this committee and which in fact never did reach it.

I want to ask you, Gilles, how did that meeting come about with Debra Roberts of the Premier's office?

Mr Morin: I called her and asked for an appointment and indicated to her my desire to join the Assessment Review Board.

Mr Tascona: Did you discuss any other—

Mr Morin: I think if the notes aren't indicative, it's possibly my fault. I should have referred to that meeting on that note and what the meeting was all about. I expressed, at that time, my interest in joining the board. That's what I should have said.

Mr Tascona: Did you discuss any other appointments?

Mr Morin: She certainly asked me what I would like to do, and one of them was the Assessment Review Board. So there were no other appointments that I really fancied except that one.

Mr Tascona: Were you looking for a full-time appointment?

Mr Morin: The difficulty with a full-time appointment is that I live in Ottawa and I would have to travel back and forth to Toronto, which I have done with this present board. I prefer part-time because it gives you more freedom. It also gives you certain privileges that a full-time member doesn't have; for instance, to participate and to be present at political meetings. The legislation is very clear. If you're part-time you can do that, although I have been extremely careful because it's so easy to be criticized and it's so easy to show partisanship.

I had occasion, when I was Deputy Speaker in this House, to be very careful not to be partisan and I think I did achieve that. It's the same thing that I try to achieve in working for a board.

Mr Tascona: I understand that. You're still an active member of the Highway Transport Board?

Mr Morin: That's correct.

Mr Tascona: When does that appointment expire?

Mr Morin: In October of next year.

Mr Tascona: And you're going to continue to serve in that capacity?

Mr Morin: No. The understanding is that as soon as the order in council is signed, I will then join the ARB. But at the moment there are certain cases that I have started and, as you know, you cannot leave a case when it's in place. That's why I have to stay until at least the end of October. If a candidate has not been chosen yet to replace me, then I will stay on to make sure that the chairman of the board is not left alone. Then I will join the ARB. So it's very flexible. In other words, your question is, will I fulfill two jobs? No.

Mr Tascona: Most of the people in this room have heard from constituents who are having problems with MPAC, as it's called.

Mr Morin: That's correct.

Mr Tascona: What do you think about MPAC and the work they've been doing in assessing properties?

Mr Morin: As I mentioned at the beginning in my presentation, I am not very knowledgeable about the system itself, although I know the procedure. But is MPAC a good set-up for municipalities? I think it would be totally improper for me—out of place—to even criticize it or discuss it.

Mr Tascona: What do you think your role is going to be then?

Mr Morin: First of all, I expect to have excellent training, and I was assured of that by the chairman of the board, to have training within the organization. I understand that you have a mentor as you gradually learn the trade. Then you're left alone to make the decisions. It's somewhat similar to any other organization. When I was with the Ombudsman's office—and as you know, as a lawyer, administrative law is not a court.

You have to be very compassionate. You have to listen attentively. You have to make your witnesses very at ease and make them understand what legislation is all about, to make sure that they are being treated fairly, to make sure that they're dealing in front of a friendly group. It's the same with the Ombudsman's office. I have dealt with different complaints, with people who are frustrated, and I expect to deal with people who will be frustrated. But I've been well trained in the past to be able to face that and to help them to the best of my knowledge.

Mr Tascona: Have you been following any of the government's initiatives with respect to the assessment area?

Mr Morin: No.

Mr Tascona: One that they're proposing—and I stand to be corrected; Monique or other members may know better. I think they were looking at a freeze on the assessment this coming fiscal year. Ernie?

Mr Parsons: Yes, that's correct.

Mr Tascona: With that in mind, what do you think the role of a member is with respect to having knowledge of government initiatives and how they should interpret them to fulfill their function on a board?

Mr Morin: Could you rephrase that?

Mr Tascona: What role should a member have, because it's an administrative tribunal—

Mr Morin: A member of the board?

Mr Tascona: Yes—in terms of being aware of government legislative initiatives in how you perform your job?

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Mr Morin: If I were to face a situation where I know there are problems for a certain legislation, I certainly would not hesitate to address it to my chairman, who in turn would have the responsibility to deal with any representative of the government and bring it to their attention. That is the normal procedure. It would not be my position to make any public statement to that effect, because I report to the chairman. Then, I think it would be appropriate for a member to keep vigilant, to look at different issues and to make his chairman aware, because a member is more or less the extension of the chairman. He's on the road, he meets with constituents, he meets with different witnesses, and it's his responsibility to bring to his attention all the difficulties he may encounter.

Mr Tascona: Thanks very much for your time. I appreciate it.

The Acting Chair: Now, in rotation we turn to the New Democrats for questions.

M. Marchese: Bienvenue.

M. Morin: Merci.

Mr Marchese: I just want to say publicly that it was great to work with you while you were an MPP. You always conducted yourself very fairly, as an upright person and with a great deal of civility. I appreciated that.

Gilles, I know you may not want to comment on some of these things, but they are a problem for me and they're a problem for many people. It was touched upon in the other questions. You remember, and I get this all the time, that people do complain about property tax reassessments. Many feel that property tax reassessments are going up and up, and it doesn't correspond to any level of service. Many feel that it's just not right and it's not fair. I agree with them.

Mr Morin: Being the proprietor of a house, I know only too well; I understand.

Mr Marchese: And it's worse on seniors because their income is limited, and if they happen to live in an area where property taxes are going up, they have no way of dealing with that.

Mr Morin: Property-rich and money-poor.

Mr Marchese: That's the problem. It's a real problem.

There's another problem: When people fix their homes, their property tax assessment increases. MPAC may not be able to pick up each individual case. When you build, you obviously have a permit and they have a way of knowing that you're constructing and they might come to your house the next year and assess your property. Eventually your property taxes are going to go up. So people, quite rightly, are saying, "I fix my home and I end up paying more. I pay taxes, GST on the materials, and I don't see any corresponding value between the investment I make and what I have to pay. I'm improving my home, and I'm helping the economy because I'm buying the building materials and so on."

In that regard I too find that there's some injustice in the way we assess property and the way we hurt people when they try to improve their homes. I don't know whether you have an opinion on that or whether you want to share your thoughts on that. It's a problem.

Mr Morin: I feel as you do. Members have a great responsibility to face that problem and bring it to the attention—bring it in-House and debate it and listen to the complaints of your constituents. I hear it all the time. I complain each time I receive my tax return also, like anybody else. But I think it is your responsibility to bring it—for those in government—to the attention of your Premier. We're all affected by it. Make people understand that the more services they require, the more money we need.

I've had the chance, like you, Mr Marchese, to travel extensively around the world and I've seen poverty like I've never seen before. I think of Haiti today. Yet we have people complaining of having to wait half an hour in a hospital, complaining about potholes, complaining about poor services from municipalities. How many of you have seen children getting up in the morning without any food, without any clothing? Just look at TV today, what's happening in Haiti. So this is why I think we have an excellent system. It's not perfect, but it's up to you to debate it, to bring it to the attention of your party. I don't want to make a political speech.

Mr Marchese: No, I appreciate that. I'm glad Mario Sergio raised that as a good point. Hopefully, he'll bring it up for debate in the Legislature so that we can review these matters.

I understand the point you're making, in terms of the larger picture. But for a lot of people these local issues are very, very critical. They tend not to look at the global picture; they tend to look at their own local matters. I appreciate that both are important, depending on where you are.

One of the other problems you have in this field is that property tax reassessments are done in such a way as to encourage a great deal of anger, because there is no sense about how this is done. A lot of people complain that there is no systematic way of doing this fairly. People appeal, and just on the basis that you're appealing, if you call them on the phone, they might be able to say, "OK, how about a 10% reduction? Is that OK with you?" The guy says, "Oh, this is great, a 10% reduction. I'll take it right away. I don't have to go to the hearing, and it's done." Depending on who you are, you might get a 20% reduction, because they know you, you go there often and you win your cases. So, therefore, if you call them on the phone and you get a 20% reduction or a 30% reduction, it's solved; it's done. They have such a backlog in that office that they don't know how to deal with it. So there's an uneven way of treating people differently: If you have expertise, you get better treatment and if you don't, you don't, and most people end up having to pay.

Then you go the experts—these experts who send mailings out to people saying, "I can reduce your taxes"—you pay your fee, and then they take care of things. Some of these people know when you're going to get a tax reduction, so they already know how to feed off those poor people who automatically would get a reduction if they knew how to do it on their own.

The system is unfair. The system is clogged. The system is uneven in terms of how it does its work. The system is incredibly poor at being able to assess—I forget just how many millions of properties we have, residential and commercial. So it's bigger than you and I. It's bigger than the government. I'm not sure the government will ever review this, because it's a difficult issue. That's why when you say, "I hope you discuss it," I don't think the Liberals—sorry, with all due respect—are ever going to bring it up for discussion.

I raise these issues as a way of saying to you I know you're going to be trained. Someone's going to be there saying, "Gilles, this is what we do." But I'm raising issues that the training simply won't help you to deal with. They won't tell you, "Gilles, this is how you deal with this," because they'll tell you that this is not part of your job. So I raise these points as a way of saying, "That's the real politics." I know you will be able to deal fairly with whatever comes before you; that's not the point. But the politics of how we solve these other matters is what really matters to me. I'm not worried about you not being fair, in terms of whatever you're going to do, but how we deal with these other matters that I find profoundly unfair.

That was my final comment. If you don't have a comment, that's great. It was nice to see you, and I wish you well.

The Acting Chair: Do you wish to reply?

Mr Morin: What else can I say?

Interjections.

The Acting Chair: Order. I would ask the committee members to please come to order. If you have a conversation, you can go out in the corridor.

Mr Morin, thank you very much for joining us today. It's great to see you again. That concludes the time that has been allocated for your presentation.

CHRIS FRIEL

Review of intended appointment, selected by official opposition: Chris Friel, intended appointee as member, Ontario Rental Housing Tribunal.

The Acting Chair: Our fourth interview is with Christopher Michael Friel, intended appointee as member for the Ontario Rental Housing Tribunal. Mr Friel, you may come forward. As you may be aware, you have an opportunity, should you choose to do so, to make an initial statement. Subsequent to that, there may be questions from members of the committee. Each party will have 10 minutes allocated for questions, and we will go in rotation. Any time you take in your statement will be deducted from the time allocated to the government party. Welcome to the standing committee on government agencies.

Mr Chris Friel: Thank you, Mr Chairman. I do have a statement that I'd like to make.

Mr Chairman, ladies and gentlemen, thank you for the opportunity to make a few comments to you this morning. I would like to begin by stating that I believe I am very qualified for this position, and I will work in a professional and ethical manner at all times to uphold the integrity necessary to be an effective rent tribunal adjudicator.

I believe I am a qualified candidate for the following reasons.

First, I believe in public service and I have dedicated my life to public service. Each of the employment positions I've held since leaving university has in some way been involved in community building and strengthening or building and strengthening the individual. I am committed to public service and I have been successful at public service. I would point only to the remarkable revitalization of the city of Brantford, a community of which I was mayor for nine years. In all facets of the community there has been improvement, and most importantly, the lives of thousands of individuals and families have been improved. Public service is what I am all about.

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Second, my experience as mayor has included chairing literally hundreds of council meetings with delegations, as well as public hearings, and I have also participated in numerous hearings for local and provincial bodies. I'm experienced in chairing meetings and using the rules allowed to make the process work for the betterment of all involved. This wealth of experience has shown me the wisdom of remaining objective and listening to the interests of all concerned parties. Objectivity is the basis of sound and fair decisions, and I am not only comfortable but much practised in making sound and fair decisions.

Third, my experience while in office has offered unique insight into the nature of the housing industry and its issues. As president of the municipality's non-profit housing corporation, a thorough knowledge and respect for the need for safe, affordable housing was prevalent each and every day. Outside of the non-profit housing sector, my office was repeatedly petitioned by either landlords or tenants to deal with particularly contentious issues. As an administration, we could have passed the buck and said it's not our area, but in each situation we gathered the facts and offered the most appropriate solution for the person involved, including providing information packages prepared by the Ontario Rental Housing Tribunal. These activities again offered greater knowledge and experience in the workings of the rental housing market in our province.

I believe that the combination of my work experience in community development and my personal experience and skills in dealing with the public make me uniquely qualified to be a rent tribunal adjudicator.

I thank you again for the opportunity to be here today and I welcome any questions that the members might have.

The Acting Chair: Thank you very much for you initial presentation. I'll turn to the official opposition to start off this round.

Mr Tascona: Thank you for coming here today. I just want to ask you whether you're a member of the Liberal Party.

Mr Friel: I hold a membership in the federal Liberal Party.

Mr Tascona: You're not a member of the provincial Liberal Party?

Mr Friel: No, I'm not.

Mr Tascona: Have you ever contributed to the provincial Liberal Party?

Mr Friel: No. In fact, when I was mayor I was very vocal about the fact that I considered it inappropriate for municipal politicians to hold or espouse party affiliation and was very conscious of not allowing that to come into my council chambers.

Mr Tascona: When you ran for the Liberal nomination federally, were you the mayor?

Mr Friel: No, I was not.

Mr Tascona: I understand that you lost the mayor's race in November 2003—I'm quoting from the Expositor in Brantford—and then you lost the Brant Liberal nomination to a lawyer by the name of Lloyd St Amand in 2004. Is that correct?

Mr Friel: Yes.

Mr Tascona: And I take it you know the MPP there, David Levac.

Mr Friel: Yes.

Mr Tascona: How do you know him?

Mr Friel: Actually, we've known each other for a number of years. When I was mayor he was principal of grade schools in the area, and a very positive principal, trying to draw students in. I made a number of appearances at his grade schools. Because of his organizational skills, I also asked him to be involved in organizing events within the community when he was still principal at the time, including the visit of the Queen to the Bell homestead; he was the organizer for that.

Mr Tascona: Did you ever work in his campaign for him?

Mr Friel: No, never.

Mr Tascona: How did you find out about this position? Because it's a full-time, fairly prestigious position.

Mr Friel: After going through the election process, I didn't want to lose the skills or the knowledge I'd built up over the period of nine years, and I made application to the Public Appointments Secretariat for positions related to municipal government and Hydro, where my experience was the greatest. At that time, after I had made the appointments, I commented to Dave, our MPP, that I had made these so that he was aware that I was in that process. Some time after that, he informed me that there was a vacancy that would be coming forward in this position, and if I were interested I could consider that. I went back, reviewed the position itself, had a good understanding of what was happening. Also, the rent tribunal processes used to operate out of our council chambers, and on a regular basis I would see—in fact, I sat in on a couple just to see what it was like and what they were doing. I did do further research, and at that time I determined that it was very much in line with the skills I had developed over the nine years.

I put an application in to the appointments secretariat and was interviewed a month and a half after that with the chair and two vice-chairs of the tribunal. I did a written part of this as well. I actually didn't hear anything again until this time, when I got notice that I was going to come before the committee today.

Mr Tascona: That may have been because, when you made the application, you called it the Rent Review Hearings Board. Now you know better.

Mr Friel: It's one of those things; titles change from time to time. I think I actually pulled that off the Web site when it first came up.

Mr Tascona: I want to ask you a couple of other questions. According to the Brantford Expositor, I understand that you recently started consulting primarily for development corporations. Is that correct?

Mr Friel: Yes. I've done three contracts.

Mr Tascona: How is that going to impact your becoming a full-time member of the Ontario Rental Housing Tribunal?

Mr Friel: The natures of the contracts—I'm not speaking for my clients or speaking out of turn for my clients—were such that, first of all, it was identifying land that could be purchased for single-family units. The second one was establishing a relationship with the Six Nations Indian reserve, which is adjacent to Brantford, and the review of development of a brownfield property in the city of Brantford. A third contract was for writing a proposal for the development of a civic square in the centre of the city of Brantford, which was finished by public ballot just two weeks ago.

My contracts ended in February and March of this past year. The last one for the civic square was completed last month.

Mr Tascona: If you get this position, you're not going to continue consulting for development corporations, I take it.

Mr Friel: No. My business would go into a hiatus. There would be no situation where I would ever consider doing that. I'm very aware of issues related to conflict of interest, having dealt with them.

Mr Tascona: So you're a sole business person? It wasn't a corporation?

Mr Friel: It was an incorporated business, but I was on my own in writing proposals and establishing relationships.

Mr Tascona: You're not in the process of selling your business?

Mr Friel: No. I wouldn't do that. I'm keeping the name and the Web site. That would probably be the extent of what happens.

Mr Tascona: Have you ever been a landlord?

Mr Friel: No.

Mr Tascona: Have you ever been a tenant?

Mr Friel: Yes.

Mr Tascona: So that may give you a perspective. I take it that you're a homeowner now.

Mr Friel: Yes.

Mr Tascona: Do you have an opinion on whether the tribunal has been even-handed in its treatment of tenants and landlords?

Mr Friel: I know there's a consultation process which is being undertaken by the government currently. The tribunal is really six years old in the work it has been doing. I think it's always a good idea for government to review the processes that are available after a number of years to determine whether everybody is satisfied with the work that's being done and whether the mandate has been met.

Reviewing the work of the tribunal as to the mandate that it first set: I think they have accomplished that mandate. What comes from the consultation process in describing the mandate I couldn't actually say. Obviously, it's a public process.

Mr Tascona: Is this a three-year appointment?

Mr Friel: I believe so. Yes.

Mr Tascona: Do you know how much it pays?

Mr Friel: The scale—I'm thinking only from the notes that I've received—I think is $59,000 to $71,000.

Mr Tascona: From what I see, your background doesn't indicate any real adjudicative experience. You've indicated the reason you are interested in this position, in terms of your skills. Obviously, as a mayor you'd have good skills in that and I respect that; also your public service and your commitment to that. Apart from that, do you think you'll be able to perform? Because this is an adjudicative responsibility. Do you think you're going to be able to perform that type of position, and why?

Mr Friel: We have some property standards processes, public hearings based on issues related to tax. I was interested in the discussion that was going on for the assessment before this, having spent too much time dealing with assessment. But they're very similar in nature to what we do.

Chairing council, particularly with delegations, is also very much in the same framework. It's not exactly the same, obviously, because there's a legal end. There's a decision that comes forward generally by the adjudicator

himself as opposed to either a committee or a council making the decision. But I'm not unfamiliar with the process or the elements that lead up to the decision-making, and I'm quite comfortable in working through that.

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Mr Tascona: OK. Those are all the questions I have.

The Acting Chair: I'll now turn to the government side to see if there are any questions.

Mr Parsons: No questions.

The Acting Chair: Thank you very much for coming to our committee today and making your presentation. We appreciate your contribution.

Mr Friel: Thank you very much.

The Acting Chair: Our next interview is with Beryl Ford, intended appointee as member of the Alcohol and Gaming Commission of Ontario board of directors. Is Ms Ford in the room with us?

Given that Ms Ford is not yet in the room, we have an opportunity to entertain Mr Tascona's issues. Are you prepared at this time to put on the record the issues you wanted to bring to the attention of the committee?

Mr Tascona: I have two of them. The first involves the press release issued by the Premier's office on September 23. The title is "Ontario Government Proposes New President and Board Member for WSIB." It states: "Premier Dalton McGuinty has proposed Jill Hutcheon as president." It goes on to provide some information about the board and other people who have been nominated, including Jim O'Neil, from the CAW; Loretta Henderson, former vice-chair of the WSIAT; Marlene McGrath from 3M Canada; and Mark Smith, of Kensington Capital Corp.

On September 24 I received, through the clerk's office, the orders in council for appointments. Once again, I'm putting this forth in terms of the viability of this committee. I don't know why the Premier's office would pre-emptively announce their intended appointees when we haven't even received the orders in council for the people we can review or choose not to review. This, to me, is not right. I think it takes away from the functioning of this committee. Everybody knows the government has a majority on this committee and everybody here has a job to do. But if they're going to announce appointments, whether intended or not, of whom they propose, I think they should be doing that after the committee gets the intended appointees, rather than reading about it in the paper, as we have before on a number of individuals who have been put forth. That's my first observation, and I would like the clerk to bring that to the attention of the appointments, in terms of this, and also to the House leaders, in terms of trying to deal with this committee and making it more effective.

The other point comes through the other appointment processes that go through. We have orders in council, and that's essentially what this committee can deal with. There are also ministerial letter appointments; for example, with the municipal assessment board, the appointment is by ministerial letter. I think a case in the point is Debbie Zimmerman, who was appointed. These letters don't go through this committee.

I want to put to the clerk that I'd like to know if she could do research on the types of appointments that can be made by the government, whether by ministerial letter, order in council etc, in terms of the type of procedure by which the person can be appointed and to what particular agencies, boards or commissions that procedure would end up with that person going to. In that regard, which of these procedures would actually involve a review by agencies, boards and commissions? My understanding—and I stand to be corrected—is that it's only the orders in council that would be reviewed by this committee. I know the House leader is looking at rule changes. That's certainly something I want to add to the list. The purpose and intent of this committee are to review appointments, and if there are types of appointments that go to agencies, boards and commissions that don't go to this committee, I think that's something the House leaders, the people involved in the rule changes, should look at.

As I've said before, the mandate of this committee is to review appointments, and yet it's precluded by the rules from reviewing temporary appointments and reappointments. All this committee deals with is new appointments, and it appears we're limited to just dealing with order-in-council appointments. So there's a gaping hole in terms of what this committee can do. It is a standing committee of the Legislature. It does have an important function, and yet it's being, I would say, truncated by the process that's in place. I'm not saying it's just the government that's doing this, as other governments have dealt with this type of process. I'm just trying to say that we should make this committee meaningful in terms of all the appointments that can go through.

Mr Chairman, I really appreciate your giving me the opportunity to say this. If the clerk could report back to the committee on this, perhaps through a document or a report, I can deal with it more effectively in front of this committee later. I would also request that this go to the House leaders.

The Acting Chair: Thank you very much. Are there any comments from any of the other members of the committee in response?

Mr Parsons: Yes, Chair, if I could. On the first item, about it being indicated publicly that an individual is going to be considered for an appointment, I don't believe that's inappropriate. I believe it is followed practice. It has taken place in previous governments. It is not an announcement that the government has appointed the member. Quite naturally, it is an indication that that individual is going to be considered by this committee for an appointment. I struggle to understand the inappropriateness of that. I know individuals who are seeking nomination make that announcement before they're nominated for an elected office.

Secondly, with regard to individuals who have been appointed without going through the committee because they are temporary or less-near appointments, that in fact

is consistent with the practice that was established by the previous government. I don't think there's any record of a concern being expressed by the previous government about that practice. Certainly, we support the House leaders looking at it, but I believe that credit should be given to the political party that originated this process regarding appointments, and it was not this government.

The Acting Chair: Thank you very much.

I would ask again if Beryl Ford is in the room. I don't believe she is.

Ms Smith, do you have something you want to say?

Ms Monique M. Smith (Nipissing): She was asked to be here for 10:30, and it's just 10:30 now. She's scheduled at 11, so she should be here any minute. Perhaps we could take a five- or 10-minute recess.

The Acting Chair: Is it the will of the committee to recess for approximately five minutes? Agreed.

The committee recessed from 1028 to 1035.

BERYL FORD

Review of intended appointment, selected by government party: Beryl Ford, intended appointee as member, Alcohol and Gaming Commission of Ontario board of directors.

The Acting Chair: I'm going to call this committee to order once again. I understand that Ms Beryl Ford is in the room. Ms Ford, would you please come forward? Welcome to the standing committee on government agencies. I understand you're an intended appointee as a member of the Alcohol and Gaming Commission of Ontario board of directors. As you may be aware, you have an opportunity, should you chose to do so, to make an initial statement. Subsequent to that, there may be questions from members of this committee. Each party would have 10 minutes allocated for questions and we tend to go in rotation. Any time that you take in your statement would be deducted from the time allocated to the government party.

Welcome to this committee. We look forward to your presentation.

Ms Beryl Ford: Good morning, ladies, gentlemen, Madam Chair—Mr Chair; I thought there was going to be a Madam Chair today—and members of the committee. I appreciate the opportunity to appear before you today to discuss my proposed appointment to the Alcohol and Gaming Commission of Ontario. I believe you have my resumé before you. I hope you've had an opportunity to go through it, and I certainly would be happy to answer any questions pertaining to my resumé.

I've been in public service as a public school trustee for the past 19 years. I was first elected in 1985. During that time I have served as vice-chair and chair of the largest school board in Canada until the amalgamation of school boards in 1998. I continue to chair the Centre for Education and Training, a not-for-profit organization comprised of both educators and business members of the community. As my resumé shows, I've also been actively involved in my community for more than 25 years. I've served as vice-chair of the public library board, a director of a hospital board and chair of human resources and the executive committee of Peel Memorial Hospital.

For the past four years, I've served on the board of the Peel Children's Aid Society. I was honoured to be invited to chair a steering committee for the formation of a foundation for the children's aid of Peel. I'm proud to say this was a very successful endeavour. My responsibility involved recruiting board members, setting policy and developing bylaws, while complying with the not-for-profit legislation. We hired staff, set start-up budgets, applied for grants, and all the roles that go along with starting up a new foundation. All of these roles have provided me with the experience and knowledge that I believe would be of benefit in the position of a member of the Alcohol and Gaming Commission of Ontario.

I have been called upon to make tough decisions that involved the custody of children through to the Peel Children's Aid Society hearings. I've been a member of a quasi-judicial board that has made decisions on student expulsions from the school system. I continue to be directly involved in contract negotiations and collective agreements with nine employee groups. As a member of the school board grievance committee, I am part of the decisions on union and federation grievances that cover a wide spectrum of issues.

My role as a trustee has allowed me to work closely with a large cross-section of my community constituents, students, business partners, politicians and the public at large. I've dealt with literally thousands of different issues and I believe that public relations is one of my strengths. I believe my record demonstrates that I've earned the respect of my community and colleagues through seven successful elections. I know that my community and my colleagues view me as a fair, honest, hard-working person with high integrity.

If I'm successful in becoming a member of the Alcohol and Gaming Commission of Ontario, I will work with the same dedication and commitment I've demonstrated in my past roles. I thank you for your time.

1040

The Acting Chair: Thank you, Ms Ford. I'll turn first to the government side for any questions.

Mr Parsons: Welcome. Just for the record, are you a member or a financial supporter of any political party?

Ms Ford: I have been a member of political parties. At the present time I'm not a card-carrying member, but I have been a member of parties; yes.

Mr Parsons: You're not too shy to name the party?

Ms Ford: Absolutely not, nor the reasons. I've been probably the longest as a member of the Conservative Party, both provincially and federally. I actually ran in a federal election a couple of times. I've been a member of the Liberal Party in the past, also.

Mr Parsons: How did you find out about this appointment or opportunity?

Ms Ford: For the longest time, I've been interested in seeking a public appointment. I've put applications in

through the public secretariat for probably the last 10 years. Until this point in time, I haven't been very successful. But I applied again when there was a change of government this time, and here I am.

Mr Parsons: I'm just curious about how you found the process.

Ms Ford: I found the process very intense, lots and lots of information, but I found it a very good process. The people I've come into contact with have been excellent. I really feel I've been supported to this point.

Mr Parsons: Good. Thank you.

The Acting Chair: Any more questions from the government side?

Mr Sergio: Just a quick one, Mr Chair. How do you feel with respect to further expansion of gaming—casinos and stuff like that—in Ontario?

Ms Ford: Having not been a member of this board at this point in time, I would find it difficult to know where they're at and what the plans of the government would be for future expansion. I think I'd want to know a lot about the background and make decisions based on that.

Mr Sergio: Thank you, Ms Ford. No more questions, Mr Chair.

The Acting Chair: I'll turn now to the opposition.

Mr Tascona: Thank you for coming here today. I take it you're a trustee with a school board?

Ms Ford: Yes, I am.

Mr Tascona: Which one is that?

Ms Ford: The Peel District School Board.

Mr Tascona: I just want to clarify. How did you hear about this appointment, which is as a part-time member of the Alcohol and Gaming Commission of Ontario?

Ms Ford: As I said earlier, I have made a few applications. I'm particularly interested in boards where you—

Mr Tascona: I want to know who specifically you talked to.

Ms Ford: Who have I talked to about this position? When I applied for the position, I found it on the Web page of the secretariat. I informed my local MPP that I'd put in an application.

Mr Tascona: Who is your local MPP?

Ms Ford: My local MPP is Linda Jeffrey.

Mr Tascona: And you spoke to her about this?

Ms Ford: I just informed her that I intended to; I put in an application and it was in, as I'd put in many times before. I thought it was a courtesy to inform my local MPP, who I also know through the community, of course.

Mr Tascona: What did she say?

Ms Ford: "Fine. Good luck. You'll make an excellent member."

Mr Tascona: You were called to appear here today by the government members of the committee. Does it concern you that the committee members seem to be questioning the decision of cabinet by bringing you before our committee for review?

Ms Ford: Absolutely not at all. I would hope that if I was appointed to this board, it would be based purely on my record and my personal integrity. When I've run in elections, I've done it because people have elected me because they feel that I'm the person to do the job.

Mr Tascona: The process is that the Premier and the cabinet make the decisions for appointments. Yours was put forth and, as part of the standing committee, it was the government members who asked to review you here today. I just want to state that for the record.

How did you prepare for today's meeting?

Ms Ford: How did I prepare? I've met with the members—with Mr Barber, who is the chair, initially. I did have a meeting last week with a lady called Megan, from the secretariat, who had called me to tell me that I was going to be here today and what I would require. I've read the legislation—well, not the legislation; sorry. I've read the background on the Alcohol and Gaming Commission because, quite honestly, I wasn't aware of the amount of involvement they had until I started reading through their mandate and some of the bylaws and issues.

Mr Tascona: Were you particularly interested in this appointment? You said you got it off the Web site, this appointment?

Ms Ford: No. I was particularly interested in somewhere that I would have an opportunity to make some decisions, the hearing process. You might find, if you have the application, that I also applied to the Ontario housing tribunal. That was another one. I've sat on many hearings and I find that I feel comfortable in that setting. I believe the hearings that you have an opportunity to participate in in this particular agency or commission would be something where my background experience would be an advantage to me.

Mr Tascona: Just for the record, for the clerk, I've got Mrs Ford's application but I don't see—there's usually a date and a signature, and I don't have that. I don't know when this application was made. Do you recall?

Ms Ford: This particular one was probably made close to a year ago. I've periodically put in applications, as I said, for the last—

Mr Tascona: That's fine. It's just for the clerks to be aware of, because normally we get a date and a signed copy of your application. We didn't get one here.

Ms Ford: Well, it's in through the appointments secretariat.

Mr Tascona: That's fine.

The government has introduced legislation that would allow people to bring their own wine to restaurants. Should people be able to take home partially finished bottles?

Ms Ford: Once again, sir, I have personal opinions, but I wouldn't be in the role of influencing my personal opinions on this committee. I would have to—

Mr Tascona: I'm asking for your personal opinion, because that's why we're reviewing you.

Ms Ford: Having not been much of a drinker, it's never occurred to me. So I would have to be part of the

committee to make a decision based on the information that I have.

Mr Tascona: Groups like the Ontario Restaurant, Hotel and Motel Association and Mothers Against Drunk Driving have described the government bill as "irresponsible legislation that will lead to more impaired driving." So do you have an opinion on this?

Ms Ford: Until I was totally involved, I would not want to give an opinion, because I don't believe I am knowledgeable enough at this time on the implications, the impacts of such legislation.

Mr Tascona: OK. A lot of charities depend on revenue from bingos. There's growing evidence that the bingo industry is experiencing a significant decline. The minister believes that this decline is a result of new lotteries, charity casinos and other gambling opportunities, but other observers think it may be connected to anti-smoking bylaws. What do you think the root causes are, and how might the government address this decline in bingo?

Ms Ford: I have no idea. I would have to have more information to make those decisions. People are not allowed to smoke any longer in casinos. Whether that would prevent them going to casinos, I don't know.

Mr Tascona: Do you have any views on smoking?

Ms Ford: I'm a non-smoker. I believe if people want to smoke, that's their prerogative. I'm a non-smoker myself.

Mr Tascona: OK. I don't have any more questions. Thanks very much.

The Acting Chair: Thank you very much, Ms Ford. We appreciate your presentation this morning. You may step down now.

Ms Ford: I thank you once again for taking the time to hear me.

The Acting Chair: Our next interview, the sixth one, is with John Hinds. Is Mr Hinds in the room? I don't believe he is.

Ms Smith: I'm advised that all the potential candidates were given notice that they should be here a half-hour in advance, so again, we're running too far ahead of schedule.

The Acting Chair: We are certainly running ahead of our schedule today.

Ms Smith: You're running too good a meeting. That's right, Mr Chair.

The Acting Chair: Is it the will of the committee, then, to recess again for a few minutes?

Mr Mario G. Racco (Thornhill): The next person should be here at 11:30. Why are we wasting five or 10 minutes each time? Maybe we should recess until 11:30 and start on time. Otherwise, we may have the same problem with the next one.

The Acting Chair: I'm in the committee's hands. I'm just trying to chair the meeting and move this forward as expeditiously as possible.

Mr Racco: I would recommend that we reconvene at 11:30.

The Acting Chair: Is it the consensus of the committee that we would recess until 11:30?

Mr Parsons: Given that the candidates were asked to be here half an hour before, and we're still 10 minutes early to that, I would suggest we recess for 15 minutes.

The Acting Chair: Is that agreed by the members of the committee? OK. By my watch, we will resume back here at approximately five minutes past 11. The committee is in recess.

The committee recessed from 1050 to 1109.

JOHN HINDS

Review of intended appointment, selected by official opposition party: John Hinds, intended appointee as member, Ontario Trillium Foundation board of directors.

The Chair (Mrs Elizabeth Witmer): Our sixth interview this morning is with John Hinds, intended appointee as member of the Ontario Trillium Foundation board of directors. Welcome, John. I would invite you to come forward. As you may be aware, you do have an opportunity, if you wish, to make an initial statement. Subsequent to that, we'll have questions from at least two of the parties. Each party will have 10 minutes, so whatever time you might choose for your initial statement will be deducted from the government party. Please proceed.

Mr John Hinds: I would like to begin by thanking you for the opportunity to appear today. I strongly believe that legislative scrutiny of executive appointments is important to our political process, particularly in this time of increased attention to good corporate governance. I welcome the opportunity to explain to you my qualifications to serve as a member of the board of directors of the Ontario Trillium Foundation and to answer your questions.

As you will see from my resumé, I'm not a stranger to this place and had the privilege of working for the former member for St George-St David, Ian Scott. Ian taught me a great deal about the importance of the volunteer sector in communities.

As you will also note, I have moved on from politics, but certainly feel that many of the skills I learned have benefited me in my career and in my work in the voluntary sector. I think I'm proof that perhaps there is life after politics.

I applied to be a member of the board of the Trillium Foundation because I believe in the importance of the work that it does. As you will see from my resumé, I have a lot of community experience in the particular areas in which Trillium is involved. I have also seen, in my own community involvement, the importance of the work that Trillium does.

Professionally, I am trained as a lawyer and have strong financial and management skills, with extensive board experience in both the private and voluntary sector. Currently, I'm the chief executive officer of the Canadian Community Newspapers Association, which is an industry association and, perhaps more importantly, a common service provider to over 700 small and not-so-

small newspapers across Canada. As part of that job, I represent almost 300 papers in Ontario, one of which I know is in each of your communities. These papers not only serve small and large geographic communities but also ethnocultural communities and aboriginal communities in every part of the province. I think my understanding of Ontario's communities and its diversity is one of the things I can bring to the Trillium Foundation.

I also have a strong background in the voluntary sector in the areas in which Trillium is involved: human and social services, sport and recreation, arts and culture, and environment. I'd like to say a bit about my involvement in each of these areas.

For six years, I was a member of the board of Casey House Hospice and spent two years as chair of the board, during which time we moved from providing care in a hospice-based setting to providing care to over 100 patients in the community. Casey House is a truly remarkable institution, and its success would not be possible without the ongoing support of the province of Ontario and governments of all three parties. I would particularly like to acknowledge the great support provided to Casey House by the Chair of this committee when she was the Minister of Health and I was chair of the board.

Perhaps my voluntary experience that is most relevant to the work of the Trillium Foundation is my involvement with the United Way of Greater Toronto, of which I am a member of the board of directors and chair of the board's research, policy and priorities committee. As well, for over six years, I have chaired the United Way's winter relief allocation committee, which is responsible for the allocation of funds to associations and United Way agencies to allow them to assist those who face particular hardship in the winter months. For the past four years, I've also been a member of the allocations committee of the United Way. This committee performs a very similar function to that of the Trillium Foundation board: in essence, overseeing a panel review process. One of the areas I have been particularly involved in is the area of capacity building within the sector, and I'm very pleased to see that this is now a priority of Trillium.

This spring, I also served as a member of the Heart and Stroke Foundation of Ontario's expert advisory committee on the allocation of research dollars across the province.

Arts and culture is another area that Trillium funds and an area that I have a particular interest and a lot of experience in. I am currently on the board of directors of Canada's National Ballet School and chair of the board's government relations committee, as well as one of three board members on the building steering committee of the $100-million redevelopment of the school. For those of you who have not seen it, you should take a drive down Jarvis Street. Again, this project would not be possible without the support of the government of Ontario.

I am also vice-chair of the board of the Harbourfront Centre, with which I am sure you are all familiar. The Harbourfront Centre is Canada's foremost centre for contemporary culture. It is also the most visited attraction in this city, with over 12 million visits a year and a vast range of cultural and recreational programming.

I also have a great interest in sport, the third of Trillium's funding areas. As a former member of the University of Toronto's swim team, I was recently involved in part of a project that raised over $750,000 in endowment money so the University of Toronto could keep good swimmers in Canada and not lose them to US schools.

In the area of environment, the final area of Trillium's involvement, I've worked extensively in the area of recycling and in 2002 was chair of the working committee that set up Waste Diversion Ontario, which was established by the province to divert waste from landfill.

In closing, I would like to say that I believe that I have the qualifications, experience and interest to be a valuable member of board of the Trillium Foundation.

The Chair: Thank you very much. I'm going to ask the Conservative Party to begin with the questions.

Mr Tascona: Thank you for coming here today. I just wanted to look at your background, Mr Hinds. I was going through your resumé, and you really do have some involvement in the political process.

If I can just review it, September 1990 to September 1992, you were at Queen's Park as the executive assistant to the provincial opposition critic for intergovernmental affairs, the Honourable Ian Scott, MPP; from March 1993 to November 1993, the Liberal Party of Canada 1993 national campaign legal adviser; November 1993 to January 1996, Minister of Health senior policy adviser; August 1996 to July 1997, Minister of Public Works and Government Services crown corporation mandate review, one-year contract, special adviser; Minister responsible for the greater Toronto area and Minister of Transport, the Honourable David Collenette, MP, senior special assistant from July 1997 to March 2000. I take it that's when you left to go into the private sector. Is that correct?

Mr Hinds: It is.

Mr Tascona: I looked at your resumé also in terms of volunteer community involvement. It says, "Harbourfront Centre: Federal government nominee to board of directors, 2003." I take it that you were successful as a nominee?

Mr Hinds: I was.

Mr Tascona: You serve currently on that Harbourfront Centre?

Mr Hinds: I do.

Mr Tascona: How did you get that appointment?

Mr Hinds: I was asked by the federal government.

Mr Tascona: The federal Liberal government?

Mr Hinds: Yes, the federal Liberal government.

Mr Tascona: Specifically, who?

Mr Hinds: The government. I don't know who I was asked by. I was contacted by the Public Appointments Secretariat.

Mr Tascona: You don't know who asked you for that appointment?

Mr Hinds: Who asked for me to be appointed?

Mr Tascona: Yes. Who contacted you about the appointment?

Mr Hinds: The Public Appointments Secretariat.

Mr Tascona: Do you know who, the name?

Mr Hinds: I don't recall.

Mr Tascona: You don't recall.

Mr Hinds: No.

Mr Tascona: Do you get paid for this position at Harbourfront Centre?

Mr Hinds: Not at all.

Mr Tascona: What's the process for being approved for that position?

Mr Hinds: You are nominated by the federal government and accepted by the board of directors of Harbourfront.

Mr Tascona: I see. Is there a committee review of that appointment?

Mr Hinds: Not that I'm aware of.

Mr Tascona: Unlike here.

Mr Hinds: Unlike here.

Mr Tascona: This position here, is it a part-time position or a full-time position?

Mr Hinds: It's a part-time position, I certainly hope.

Mr Tascona: And how did you hear about this position? Was it through the Web site, or were you contacted directly by a government official?

Mr Hinds: I contacted the government because I would like to be a member of the board.

Mr Tascona: Who did you contact?

Mr Hinds: I originally contacted the office of the Minister of Culture and they referred me to the Public Appointments Secretariat.

Mr Tascona: Who did you deal with at the latter?

Mr Hinds: I don't recall. It was literally a telephone conversation. They sent me an application.

Mr Tascona: Yes, because your application is August 3, 2004. So this happened fairly rapidly, I take it.

Mr Hinds: It happened early this summer or midsummer.

Mr Tascona: Do you have any involvement with the provincial Liberal government at all? Are you a supporter or a donor?

Mr Hinds: Am I a supporter? I'm not sure whether I'm a card-carrying Liberal at this point or not. I support my local riding association and I think I was a donor in the election year, but I don't think I've donated this year.

Mr Tascona: Who's your MPP?

Mr Hinds: George Smitherman.

Mr Tascona: Do you know George well?

Mr Hinds: I wouldn't say I know him well. I know George. He actually held the job at the GTA before I did, so I followed him in that job.

Mr Tascona: A lot of your volunteer and work experience is focused on the GTA. You worked for the federal minister responsible for the GTA and you've been involved in the GTA United Way organization, and I commend you for that. You bring a great familiarity with GTA issues to the table. This is a province-wide board, as you're aware. How will you prepare yourself so that you can also have an awareness of the needs of other parts of the province?

Mr Hinds: I think I raised that in my statement. I represent 300 community newspapers from across the province. I speak to community newspaper publishers and editors and people every day. I think you probably know that community newspaper publishers are people who are involved in their communities and are not reticent about raising issues in their communities and concerns they have in their communities. So I think that professionally I spend a lot of time with both geographic and ethnocultural and First Nations communities across the province. I have a fairly good understanding of communities both large and small.

Mr Tascona: And why do you want to do this job?

Mr Hinds: Because I think I can bring something to the table. I have an interest in the area. I also think it fits in with my focus, which is on a broader—I have done a lot in the GTA and I'm doing a lot now across the province and across the country. A lot of it's with smaller communities.

Mr Tascona: The McGuinty government recently decreased funding to the Ontario Trillium Foundation by $5.5 million. This decrease was hidden in a single line in the middle of their 411-page estimates document. Do you agree with this decision to reduce funding?

Mr Hinds: I actually have no comment on that decision. My understanding, however, is that the amount of money that will be allocated to groups will not be affected, because they are using the reserves to top that up this year.

Mr Tascona: And where do you get that understanding?

Mr Hinds: From the CEO of the Trillium Foundation.

Mr Tascona: In terms of the way the government handled this reduction, do you agree with the way it was done? Do you think there's a better way to treat such a fundamental board as the Trillium Foundation than in that way?

Mr Hinds: I think that's really a discussion for probably the other people around this table rather than for me. I'm not sure I can comment on that. I don't know the background; I don't know what happened.

Mr Tascona: I think those are all the questions I have.

The Chair: Thank you very much, Mr Tascona. The governing party, are there any questions?

Mr Parsons: Thank you for being here today. One question: You are aware of the compensation for a board member of Trillium?

Mr Hinds: Yes.

Mr Parsons: It is?

Mr Hinds: Nothing.

Mr Parsons: Exactly. Thank you for offering to put your time forward.

The Chair: Yes, Ms Smith?

Ms Smith: I'd just like to go on the record as saying, as a member from the north, I am fully confident that Mr

Hinds will bring our views to the table as well, and I have no concerns about his previous GTA focus.

The Chair: Thank you very much. That concludes the time allocated.

Mr Tascona: Madam Chair, I didn't have any concerns about his experience and work in the GTA. I'm quite confident he'll be able to look at all the province. I just want to put that on the record.

The Chair: Thank you very much.

Again, we appreciate your being here, Mr Hinds. Thank you very much, and all the best.

That concludes the interviews that we had scheduled for this morning We will reconvene after lunch at 1 o'clock.

The committee recessed from 1122 to 1307.

CATHERINE MACDONALD

Review of intended appointment, selected by third party: Catherine MacDonald, intended appointee as member, Community Care Access Centre Simcoe County.

The Acting Chair (Mr David Orazietti): Welcome to this afternoon's session. Our seventh interview is with Catherine MacDonald, intended appointee as member, Community Care Access Centre Simcoe County. Please come forward. Welcome. You have an opportunity, should you wish to do so, to make an initial statement. Subsequent to that, there are questions from the members of the committee. Each party will have 10 minutes allocated for questions, and we'll go in rotation. Any time you take in your statement will be deducted from the time allotted to the government party. Go ahead, any time you're ready.

Ms Catherine MacDonald: Good afternoon, Mr Chair and members of the standing committee on government agencies. Thank you for this opportunity to elaborate on my background. I hope to reassure you that my skills and personality would be of benefit to the Community Care Access Centre Simcoe County.

One of my first comments to you would be to compliment the standing committee on government agencies on their thoroughness in their attempt to prepare me, the prospective appointee, for this review—phone calls, faxes, memoranda, even videotapes. If one isn't prepared for this interview, it's not for the lack of effort from the Public Appointments Secretariat. I thank them.

I'm sure you've had the opportunity to peruse my brief resumé, and you may have noted that over the years I've held a variety of people-related employment positions. I would be happy to elaborate on any of these if you wish. However, at this time, I think it's important to share with you a few other particulars that I believe qualify me to be appointed to the board of Community Care Access Centre Simcoe County.

First of all, I'm a life-long resident of Simcoe county, born and raised in Penetanguishene. I hold a membership in the Metis Nation of Ontario.

I debated within myself whether to include the fact—it's something you may or may not know, I'm not sure—that I am a member of the Simcoe North Provincial Liberal Association and serve on the executive at this time. I don't think that's an asset at this point. I think that's probably a liability to achieving this appointment, but I thought I'd mention it.

Over the years, I've developed a knowledge of the county, not only geographically but also in a humanistic nature. I'm familiar with a good number of communities and have had the opportunity to listen to people, their backgrounds, their appreciation of services and their needs.

Presently, I'm employed at a chartered accounting firm in Midland. The partners of this firm are supportive of staff volunteering in the community and would be willing to allow me the time to attend day meetings, as they have in the past when I served on the school board. Also, I'm presently enrolled in an accounting course at Georgian College one evening a week. My need to fulfill life-long learning is being met at this time in this 10-week course.

This brings me to one of the reasons why I would like to serve as a board member of CCAC of Simcoe county. The opportunity to be enlightened on the actual facts, become further aware of the needs of the people of Simcoe county, debate those needs and contribute to the planning process would also add to the continuous learning aspect of my life.

One of my greatest assets is sound judgment and the ability to query each issue as it arises. I believe in setting goals and having a mechanism to measure whether those goals are is being reached. I believe in accountability, and in order to be accountable, it must be known who is managing what. I understand that some challenges will be frustrating. I've had that experience on the school board. But I've also had the experience of the rewards when you do reach a goal.

As well as having an aging parent who is presently—this week, as a matter of fact—in respite care at Georgian Manor, I have a brother-in-law battling cancer, and he's a recipient of CCAC services. These two examples of my personal encounters with the available services have been positive experiences.

Of course, the demands always outweigh the supply, and thus the challenges. Investment in home care, independence at home, independence for the elderly, for the needy, is as simple and as complicated as that. I'm up for the challenge.

Again, thank you for your time and I welcome your questions, I think.

The Acting Chair: Thank you very much. We'll start with the government caucus.

Mr Parsons: Thank you, Chair. I think we've got a clear picture of it.

The Acting Chair: Mr Tascona, do you have any questions?

Mr Tascona: Yes, I do. The NDP is not here, so I have to cover for them now. I want to thank you for

coming, Catherine, to the standing committee. Certainly, based on your work with the Simcoe Muskoka Catholic District School Board and as a board member with the North Simcoe Catholic Family Life Centre, you are eminently qualified to deal with and understand the issues that we're facing in Simcoe county, especially with respect to its growth and aging.

I just want to ask you a few questions. I think you indicated off the top that you are a member of the Simcoe North Provincial Liberal Association.

Ms MacDonald: That's correct.

Mr Tascona: I know your husband, George MacDonald. For the record, he's the warden of Simcoe county and he's also the mayor of Midland.

Ms MacDonald: That's correct.

Mr Tascona: I think George has also been a former Liberal candidate provincially on two occasions.

Ms MacDonald: That's correct.

Mr Tascona: How did you hear about this appointment?

Ms MacDonald: I was made aware through a friend who served on the board. She resigned from the board, along with everyone else, and that kind of triggered an interest. It came to my attention in other conversations at social functions or on the street, and I did express interest to one of the past board members. Then I received a call from the ministry, and I submitted my resumé.

Mr Tascona: The Ministry of Health and Long-Term Care?

Ms MacDonald: Yes. An individual—I don't know if I'm at liberty to say the individual's name—contacted me and I faxed my resumé and said yes, I was definitely interested. I guess I was slow off the mark, because I just talked about it. I said I was going to go on the Web site. I understand you can fill out an application there, but I did it by fax.

Mr Tascona: I know there's another chap. I think you know Don Bell. He's been before us as a prospective member.

Ms MacDonald: A prospective member?

Mr Tascona: Yes, just last week.

Ms MacDonald: He served in municipal politics as well.

Mr Tascona: He was warden of the county.

Ms MacDonald: Yes.

Mr Tascona: I think he's the mayor of Springwater.

Ms MacDonald: I'm sorry?

Mr Tascona: He's the mayor of Springwater, I believe.

The position itself—I have elderly parents. I have an elderly mother, who's receiving some care from the community care access centre. I've been involved with it from day one when it was brought in, I believe in 1996. I think it's of fundamental health care importance for our seniors that community care access centres are properly funded and have active and knowledgeable boards. To me, it's critical. As you know, they have a referral role with respect to seniors who need health care treatment in nursing homes—I'm thinking of your mother.

Ms MacDonald: Yes.

Mr Tascona: That's one of the roles they play.

Ms MacDonald: Yes.

Mr Tascona: What are your thoughts on that, in terms of that process? What was your experience?

Ms MacDonald: It is positive. I did the initial call to inquire about respite care. My mother presently lives alone. She doesn't know how much longer she can do this. She's an intelligent person and wants to prepare herself mentally that perhaps this is the way it's going to be. So this is her third visit. They were very helpful with the initial interview to see whether she qualified. There was no discomfort there.

The other aspect of the community care access centre programs that interests me, of course, are the services they provide to the school board. I know there's never enough, but I would be interested in learning more about those services. It's an intriguing challenge to try to meet everybody's needs.

Mr Tascona: Are you aware in the city of Barrie—you said your mother was in Georgian Manor.

Ms MacDonald: That's in Penetanguishene.

Mr Tascona: Yes. Is that a retirement home or a nursing home?

Ms MacDonald: It's a nursing home.

Mr Tascona: OK. I think there's a great need—and I bring it to your attention—for day programs at the nursing homes. I know the IOOF has a day program for seniors with dementia, and Grove Park Home, where your husband was with me a couple of weeks ago to open up the facility, has a day program also. That's something that is lacking in the area. We tried to get a day program for Victoria Village, which I think you're aware of, and we weren't successful in getting funding from the ministry to provide that. Because of the role you're going to be taking, I think it's important that seniors have those day programs. I don't know whether other parts of the county have those or not. Are you aware of whether they do?

Ms MacDonald: I'm aware that there is one at Georgian Manor, and I believe there's one at the private facility, the Villa Care nursing home, in Midland. I don't know if there's one at Hillcrest in Midland. But those are statistics I could be brought up to speed on. We're an aging population, so the need is only going to increase. It would be nice to get the programs in place, and I hope I never need it.

Mr Tascona: Well, you're ideally suited for that to happen. You have the right political linkage to make that happen. But it's important, because community care access does have a role with those day programs. As you know, if you're in your home and they're providing the service during the day—sometimes up to an hour a day every day during the week, and yet also to get the senior out and into these day programs. I know that at Victoria Village they actually built a facility for that and it wasn't successful at this point in time for that day program. But I think it's something that, since you're in Simcoe county, it's important for Simcoe county to recognize that need.

What do you think the major challenges are facing the corporation to which you're going to be appointed?

Ms MacDonald: Perhaps fulfilling all the day program needs would be one. That's one you just brought to my attention. As I mentioned briefly, the needs within the school for the disabled: personal hygiene, hearing and vision. I'm not familiar enough with the programs they supply. I know there are not enough. The biggest challenge would be to meet all the needs of the people.

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Mr Tascona: There is talk about multi-year funding also. You'd be aware of the need for that, being a former trustee of a school board.

Ms MacDonald: I think that would make the board's work a little more rewarding in that they could plan better, instead of going from year to year. With multi-year planning, you can do a strategic plan and set some goals, as I mentioned in my opening comments, and then you have something to measure up to. But if you're going from year to year, it gives me the picture that perhaps you're constantly putting out fires.

Mr Tascona: Yes. One other question: Do you think the relatively small size of the CCAC board in Simcoe county could pose any challenges for you to be able to perform your position, even though you are experienced as a school board chair?

Ms MacDonald: I don't know what quantity is "small."

Mr Tascona: The current number there: Have you talked to anyone there about the number of people?

Ms MacDonald: The board is not functioning at this time. That's pretty small, so I don't think it's very effective.

Mr Tascona: Don't they have a couple of board members?

Ms MacDonald: Not that I'm aware of.

Mr Tascona: I thought Jack Garner was a board member.

Ms MacDonald: That's one.

Mr Tascona: And you're being appointed.

Ms MacDonald: That would be two. That would be not very functional.

Mr Tascona: Don Bell is going to be appointed.

Ms MacDonald: That would be three.

Mr Tascona: Those would be the number who are on that. Do you think that poses any challenges to you?

Ms MacDonald: It definitely would be a challenge, I think. For some diversity and considering the large area, you would need more than three. I'm not saying it's impossible; I'm just saying I don't know how effective you would be with just three board members.

Mr Tascona: But you think you're up to the task, though?

Ms MacDonald: I've never said I was going to do something and then didn't do it. I would do the best possible job I am capable of doing.

Mr Tascona: I know you will. Those are all the questions I have.

The Chair: Thank you very much, Ms MacDonald. That concludes the time allocated. We do appreciate your making the time to join us today, and we wish you all the best in this endeavour.

ANNE MARIE LEVESQUE

Review of intended appointment, selected by third party: Anne Marie Levesque, intended appointee as member, Council of the Ontario College of Teachers.

The Chair: Our eighth interview today is with Anne Marie Levesque, the intended appointee as a member of the Council of the Ontario College of Teachers.

Welcome. As you probably are aware, you do have the opportunity to make an opening statement if you wish. Then, of course, there are going to be questions from the two parties here today. Each party will have 10 minutes for questions. Whatever time you use will be deducted from the time allotted to the government party. Do you have an introductory statement?

Ms Anne Marie Levesque: Yes, I do.

Good afternoon. I am pleased to be before you to tell you a little bit about myself and why I believe my appointment to the Council of the Ontario College of Teachers will be of benefit to both the teaching profession and the public at large.

I am sure that you have all had a chance to review my CV and that you have an idea of what my qualifications as well as my experiences are. In the next few minutes, I'd like to try to personalize my CV by expanding on the experiences I have had since graduating from nursing in 1970.

Recently, I celebrated another birthday, and my sister gave me a framed copy of an article that was written way back in April 1989, entitled, "The Many Hats of Anne Marie Levesque." The local daily newspaper had decided to feature an article on my past experiences and my current career; namely, my career in law. In this article, I am quoted as saying that "Life is a process of continual growth" and that I enjoyed growing. The same applies today.

I started my working career as a registered nurse, and to this date I am still a registered nurse. I am a member of the Ontario College of Nurses, which is also a self-regulatory body, in much the same way that the Ontario College of Teachers is. Probably one of the biggest differences, however, is that the Ontario College of Teachers is a regulatory body only since 1996, whereas the nurses have been regulated for much longer.

I worked as a nurse in a variety of capacities from 1970 up to and including 1990. I was a nursing staff member in a hospital. I was a nursing teacher, teaching in a community college. I was a public health nurse. I was an administrator in a variety of capacities, including director of nursing.

After obtaining a masters in nursing, it became very evident to me that at that time my level of education was well beyond what was required to nurse. In 1981, it became even more evident to me that I needed to learn

about labour laws to effectively perform my duties as an administrator of a hospital. I registered at the university in the labour law course and became quite enthused and enthralled with the new challenges before me. I applied to Queen's University in Kingston and was accepted in the law school. I graduated from law in 1984, and since that time I have been concentrating most of my energies on the practice of law.

I have a very busy general practice in a small town. However, I have had the opportunity to represent applicants before the College of Nurses on a variety of issues, and as such I became more familiar with the intricate details of the operation of the college than I was when I was simply a member of the college. I fully support the need for the various professions to be self-regulated through a body that protects not only the professional but also the member at large; in other words, the consumer of the service.

Throughout my life, even as a high school student, I was always very involved in a variety of organizations, both as a volunteer and as a member. In high school, I was president of the student council. In post-secondary education, I was a student representative on numerous committees. During my post-graduate studies, I was a teaching assistant at the university. In the last few years, I have taught at the local community college to the police foundation. I'm a hard worker with an endless amount of energy. I enjoy challenges and new experiences. I truly believe I could be an asset both to the members of the college as well as to the members at large.

J'aimerais aussi souligner que je suis francophone. Donc, si jamais il y avait quelqu'un qui voulait parler la langue française devant un comité, je pourrais être d'assistance au comité.

Thank you for the opportunity to meet with you. I invite any questions you may have concerning my presentation or the curriculum vitae that was provided to you earlier.

The Chair: Thank you very much, Ms Levesque. I believe we're starting with the Conservative Party. Mr Tascona?

Mr Tascona: Thank you for coming here today. I don't know whether we crossed paths at Queen's University or not. I graduated in 1983.

Ms Levesque: I graduated in 1984 from the law program. You don't look familiar, but we all age, so I don't know.

Mr Tascona: That's right, and I'm aging.

Ms Levesque: I'm probably about 20 or 30 pounds greater than I was then.

Mr Tascona: In this job, I'm just losing weight every day.

Ms Levesque: You're losing weight? Well, maybe I need to work harder.

Mr Tascona: We never crossed swords; we'll put it that way.

Ms Levesque: I don't think so.

Mr Tascona: So you practise in Cornwall and you say you're a GP. What area do you focus on?

Ms Levesque: My concentration seems to be, not necessarily by choice, even though I do enjoy it, family law. I think there's a great, great demand for family law lawyers across the country, but in Cornwall there's a great demand. So I would probably say that 50% of my practice deals with matrimonial disputes.

Mr Tascona: Does your practice ever involve school boards or the College of Teachers?

Ms Levesque: No, except that, as I said in my presentation, I have represented members before the College of Nurses of Ontario in discipline, in registration. I also had a case before the Divisional Court with respect to a nurse and her certification and qualifications that had been questioned by the College of Nurses. But not the school board.

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Mr Tascona: Have you ever donated to the Liberal Party?

Ms Levesque: Yes, I have.

Mr Tascona: The provincial Liberal Party?

Ms Levesque: Yes.

Mr Tascona: Are you a member of the provincial Liberal Party?

Ms Levesque: Yes, I am. I can tell you that, even when I was in Alberta, I was a member of the Liberal Party and I cheered for the Montreal Alouettes and I cheered for the Montreal Canadiens. That didn't go very well, but I still kept my alliances.

Mr Tascona: You stand by your principles.

Ms Levesque: Yes.

Mr Tascona: Are you a delegate for the upcoming Liberal convention?

Ms Levesque: No.

Mr Tascona: How did you find out about this appointment?

Ms Levesque: The assistant to our local member of Parliament contacted my office three or four months ago, or maybe a little longer. There was a vacancy on the custody review panel. They wanted to know if I was interested, knowing that I did a lot of family law. I said, "Well, I'd be interested in anything that would expand my horizons." So I applied for that committee and the committee chair called me and I guess they had chosen me to be on the committee. But when I discussed with him the time commitment, I just couldn't guarantee that I would be effective, because I wouldn't be able to commit the amount of time that was required.

At that time the chair of that committee said, "Can I give your application, because you may be able to be useful on other committees?" I said, "By all means, do so."

Mr Tascona: What committee was that that you were interested in at first?

Ms Levesque: The custody review committee.

Mr Tascona: OK. Sorry, go ahead.

Ms Levesque: So then my application went to the standing committee and then they called me and said, "We have an opening on the Ontario teachers' college board. Would you be interested?" I said, "Yes, I would

be." Again, I questioned right there and then the commitment, and the commitment met my schedule. I felt I could commit the time it required.

Mr Tascona: Who's your MPP again?

Ms Levesque: Mr Jim Brownell. He's new to our constituency.

Mr Tascona: Have you applied for any other provincial or federal appointments?

Ms Levesque: I presently have and have had for a few years an application with the judicial appointment committee. That application is reviewed and it sits there until they either find a spot for you or—you really don't know what happens to it. There are no interviews. I was never interviewed. I simply submitted my application and it's on file.

Mr Tascona: So you're committed to fulfilling the term of this appointment?

Ms Levesque: Yes.

Mr Tascona: What's the term, do you know?

Ms Levesque: It's three years, I understand, renewable for a further three years.

Mr Tascona: I just want to talk to you about your knowledge of the college. Do you have some knowledge?

Ms Levesque: I don't have very much knowledge. I do know that they are self-regulated. I do know there are about nine objectives the college tries to meet. It's fairly similar to my experience with the College of Nurses, like registration, dealing with the public, continuing education, the criteria. But I have never worked with the College of Teachers. I do know that it's a fairly new body—1996. I have many friends who are teachers and I do know that it went through some rough times, but I don't know where it's at now with its members.

Mr Tascona: My understanding is there are only 8,233 members or 4.39% of the total membership from the elections in 2003. That's how little the membership is. Do you have any thoughts on how you could improve that relationship?

Ms Levesque: I think that in anything that is fairly new you have to prove yourself to the members, you have to make the members feel that it's worth belonging to the college, that the college can do something for them, can help maintain a certain level, can help the public maintain respect for them. I think all those are growing pains of any college at the start. Looking back at the other five colleges, the surgeons and the optometrists and the nurses, I think we can learn from them, because I'm sure they would have had the same growing pains when they started. It's a selling job to the members, and I think it can be done, because I really think the college regulating their own members is very important.

Mr Tascona: Being a lawyer—the law society has lay people who sit as benchers—you support the principle of lay people sitting on the college?

Ms Levesque: Absolutely.

Mr Tascona: I thank you for your time. I appreciate it.

Ms Levesque: You're welcome.

The Chair: No further questions? Well, Ms MacDonald, that concludes—

Mr Tascona: Anne Marie Levesque.

The Chair: I'm sorry; I'm still back at the last one. We appreciate your being here, Ms Levesque, and we wish you all the best.

Ms Levesque: Thank you very much for having me.

DAVID BECKETT

Review of intended appointment, selected by official opposition party: David Beckett, intended appointee as member, Durham, Haliburton, Kawartha and Pine Ridge Grant Review Team.

The Chair: Our ninth interview today is with David Beckett, intended appointee as a member of the Durham, Haliburton, Kawartha and Pine Ridge Grant Review Team.

Mr Beckett, you probably have heard that each of the two parties has 10 minutes. They will ask questions, and if you choose to make a statement, then your time would be deducted from the government party's time. Welcome. Do you wish to make a statement?

Mr David Beckett: I do, a brief one.

Good afternoon. My name is David Beckett, and I appear before you today for consideration of my nomination to sit as a member of the Durham, Haliburton, Kawartha and Pine Ridge Grant Review Team, which is my geographic district in the province, as part of the Ontario Trillium Foundation. I believe that all of you have been provided with a copy of my resumé, which I submitted to the Public Appointments Secretariat for consideration for this position.

I was born and raised in Dundas, just west of Hamilton. Dundas, in those days, was its own town, and is now actually a part of the city of Hamilton. I attended McMaster University, where I completed a four-year combined honours degree in political science and history. Subsequent to that, I completed a masters degree, on scholarship, in political science at McMaster as well. I took a couple of years off to work and then attended the University of Windsor law school, where I graduated in, I think, 1994.

I articled at a Toronto firm, Osler, Hoskin and Harcourt, and subsequent to that, my wife and I moved to Peterborough, where Dora's family resided. As a young child, through my teens and even into my university years, my father often talked about having a second opportunity to set up shop, and had he done so, he would have considered eastern Ontario. So it was natural for me to go there.

I consider myself fortunate to have found employment there with the law firm Gowland, Boriss. They've been practising law in the Peterborough area since 1975. I practise exclusively in the area of personal injury and insurance-related litigation. Most of my clients are innocent accident victims, many of whom require assistance at various stages of their rehabilitation from various provincial and, subsequently, community-based organizations. I try to advocate on their behalf to the extent that I can, trying to assist them in restoring some measure

of normalcy to their lives. That's obviously more applicable in the more severe cases than it would be in minor ones.

I was recently approved to sit on the board of directors of the Four Counties Brain Injury Association, which is also centred in Peterborough. This organization advocates for persons who have sustained traumatic brain injury or who are born with emotional or cognitive difficulties related to the brain. I'm new to that board, so my contributions at this stage have admittedly been nominal to this point.

My wife Dora is a primary-school teacher in Peterborough, where she teaches at St Teresa's School, and we are blessed to have two remarkable children: Lauren, who is seven years old and in grade 2 at St Teresa's; and my son John, who just turned two.

In my field of work, I am, by definition, involved in an adversarial environment, but I recognize that the lion's share of all cases resolve themselves through a mediated, conciliatory resolution. In my view, that is always the best way to avoid a claim, though one can never be intimidated about taking something to the end where there is a matter of principle involved. But it is a conciliatory approach that I would hope to be able to bring to the Durham, Haliburton, Kawartha and Pine Ridge Grant Review Team.

I anticipate, as with most government agencies, that there will be more applications requiring more funds than might be allocated to a particular district, and so it seems to me that the best approach to that type of problem, as I think most governments generally attempt to do, is ensure that scarce resources are put to their widest possible use.

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As you may know, the clerk of the standing committee on government agencies provided to me an information package related to this committee's work, as well as some Hansard transcripts of recent similar interviews. I was also provided with a lengthy videotape from this committee dealing with certain proposed appointments to the Ontario Energy Board in March of this year.

My review of that information suggests that I might be asked if I'm partisan. I am. I've been a card-carrying member of the federal and provincial Liberal parties for as long as I can recall. Most recently, I ran Mr Jeff Leal's election campaign in Peterborough in 2003. But I feel it's important to add that he's been a loyal friend of mine for 15 years. I knocked on doors for him during municipal elections prior to his ever entering into provincial affairs. I've always found him, to me and to those who know him, to be honourable and a man of his word. It is for those reasons that I've always devoted my time to assisting him whenever he has called and ostensibly asked to give up time from my practice or my family, and I've always done it without hesitation because of who he is.

I also anticipate that you may ask me how I came to know of the appointment process. As accurately as I can recall, in the very late winter of 2003 or perhaps the very early spring of this year, Mr Leal advised me that there might be vacancies opening on the local grant review team and that if I had any interest, I should consider applying. He described to me in very general terms the nature of the organization as one that considered worthy applications for government grants to charitable and not-for-profit organizations that are to the benefit of ground-level organizations in communities across the province.

I've always supported and wholeheartedly understand and appreciate public office and the entire notion of public service. Frankly, I think my efforts on behalf of a number of different individuals in the past, but most recently Mr Leal, indicate that I still believe in the system and I still believe in the role that government and its agencies can perform on a ground level.

After Mr Leal notified me of this opportunity, I was immediately interested in this opportunity to work with such a group. Mr Leal at the same time advised me that if I was interested, I should send my resumé off to the Public Appointments Secretariat, which I did in March 2004. I never spoke about the issue again with Mr Leal, the Public Appointments Secretariat or anyone from this committee until I received correspondence from the Ontario Trillium Foundation early this month to advise me that I had been nominated. Subsequent to that, I was advised by the committee clerk that my appearance would be required here. So at no time was there any additional involvement of Mr Leal or myself.

Mr Leal knows me very well. He knows my academic background. He knows my commitment to my work and to my clients. He is aware of my commitment to my family. I believe he recommended that I consider this appointment not because of any suggestion of reward but rather because he understands that I would attempt to contribute in as viable and productive a way as I can to the grant review team's work and represent our community's interests there in a fair and objective manner.

I know you are all aware that this position does not bring with it any remuneration. I understand that I'm reimbursed for kilometres driven and for some expenses related to meals. This is not any opportunity for reward in a remunerative sense, but from my perspective the reward comes from some public service.

I believe that I bring a good work ethic, candour and a conciliatory approach to the grant review team. The local grant review team has informed me that if I am successful here today, I will have the opportunity to attend at a full-day orientation tomorrow in Toronto at the Ontario Trillium Foundation, where I expect to be educated to a much larger degree as to the nature of the work they do and the process. So I don't profess today to have all of the answers relating to that. I've downloaded from the Web site numerous pieces that are available to the public that describe in a very general sense what its work is.

I'd like to thank you for the opportunity to be here today, and I'm happy to answer any questions you might have.

The Chair: Thank you very much, Mr Beckett. Any questions, Mr Parsons?

Mr Parsons: No questions.

The Chair: I would then turn to the Conservative Party.

Mr Tascona: Thank you for coming here today.

Mr Beckett: Thank you for having me.

Mr Tascona: You obviously learned a lot at McMaster about politics. I went there too.

Mr Beckett: Oh, good.

Mr Tascona: The same subject area.

Just to clarify for the record, Jeff Leal is the MPP for Peterborough?

Mr Beckett: That's correct.

Mr Tascona: And he's also a Liberal in the government.

Mr Beckett: That's correct.

Mr Tascona: You were his campaign manager.

Mr Beckett: That's correct.

Mr Tascona: In 1999 also?

Mr Beckett: No, 2003 only.

Mr Tascona: OK, just 2003.

Mr Beckett: That's correct.

Mr Tascona: Have you ever contributed to the Liberal Party?

Mr Beckett: Yes, many times.

Mr Tascona: The provincial Liberal Party?

Mr Beckett: Both.

Mr Tascona: You're a current member of the Liberal Party?

Mr Beckett: Yes. I'm no longer on the board of directors, as we speak, but not having anything to do with this. I was, quite frankly, tired when the election came around and finished and decided it was time for me to take some time to get back to my family. I still carry a membership and anticipate, at some stage, returning to the board. I'm not currently on the board—provincially only, incidentally. I do hold a membership to the federal party as well, but I'm not on their board of directors.

Mr Tascona: Thank you. Now, I take it you had significant involvement as a campaign manager. I just want to raise this point, because on September 24, we received a certificate that lists Greg Cowie as a prospective appointee to the Ontario Geographic Names Board. Mr Cowie also worked on Mr Leal's campaign, so much so that, from the newspaper reports, Mr Leal thanked him in his speech on election night. I take it you know Mr Cowie, who's the Hiawatha First Nations chief.

Mr Beckett: I understand that he is the chief there. I met him myself on one occasion.

Mr Tascona: Have you had any conversations with Mr Leal about anybody else who was active on the campaign who should be considered for an appointment?

Mr Beckett: No, sir.

Mr Tascona: I notice in your CV that you don't have anything under community involvement. Perhaps that's why you're looking to add to your CV, in terms of getting involved with the Trillium Foundation. Is that correct?

Mr Beckett: No. I think, quite frankly, it is the reverse. I don't view participation in election campaigns as non-community involvement.

Mr Tascona: I'm just looking at your CV. There's nothing for community involvement.

Mr Beckett: I understand. I view this as an opportunity to continue in that avenue, but certainly not something that I'm trying to add to a CV, by any means. My employment occupies a lot of my time. I enjoy it very much. I love the work that I do and I love the people I'm with, and I aspire to stay where I am. So I have no need to try to pad a resumé, if that's what you're suggesting, sir.

Mr Tascona: I'm not suggesting anything. I just read your CV. There's employment history, there's education history and then there are memberships.

Mr Beckett: Yes.

Mr Tascona: There's nothing on community involvement.

Mr Beckett: Well, I've done an awful lot of things, primarily prior to going up to Peterborough. When I landed in Peterborough, within about three years of that we had our first child. I'm starting a new practice.

Mr Tascona: That's fine. I'm not pointing anything out there.

Mr Beckett: My time to be involved in community organizations at that stage was quite limited.

Mr Tascona: So you have more time now?

Mr Beckett: I have some more time.

Mr Tascona: Tell me why you're so interested in the Trillium Foundation.

Mr Beckett: Perhaps I can give the best example to you, which is a real-world example. One of the people I work with, Mr Gowland, whose name appears on the letterhead of our firm, was involved—I don't know whether he still is—with Camp Kawartha in Peterborough. When I talked to him after applying to this, he talked about what a phenomenal organization it was, that Camp Kawartha had received a sizable grant in order for it to substantially expand the services it offers to young kids, and that it was—I don't want to say life-saving, but tremendously beneficial to them. To have somebody describe that to you with a smile on their face, to know what an effect it had on a grassroots, community-based level, is one of the more specific examples I can give to you as to why I want to be party to that type of organization.

Mr Tascona: What's your understanding of what you're going to be doing?

Mr Beckett: My understanding, sir, is that the Ontario Trillium Foundation is provided annually out of charity casino revenues approximately $100 million. The province is divided into 16 geographic catchment areas.

Mr Tascona: Well, what are you going to be doing?

Mr Beckett: We would be considering applications from organizations of charitable status or, alternatively, not-for-profit organizations that are going to attempt to advance various causes at a grassroots level under four basic headings. I'm sure you're aware of those headings,

in terms of social affairs, arts and culture, the environment etc.

Mr Tascona: Yes.

Mr Beckett: I would be one of 22 members that would consider those applications.

Mr Tascona: Yes, I understand that. Do you have any thoughts about the criteria the foundation uses when reviewing grant applications?

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Mr Beckett: I couldn't speak intelligently to that today, sir. I have not yet had the benefit of any sort of education from them. Depending on events today, I anticipate hopefully being able to be educated more on that tomorrow.

Mr Tascona: Are there any particular charities or not-for-profit organizations you feel should receive special consideration when the teams review funding applications?

Mr Beckett: I don't have any specific. I can tell you that in Peterborough there are two significant issues, as I see it, and I speak to Peterborough alone because I don't profess to be an expert on the other three catchment areas that are included. Peterborough is a rapidly aging community. It seems to be one of the growth industries in Peterborough, that seniors' facilities etc are developed. I don't believe, from the work I've done in my own practice with seniors, that there is enough to keep healthy seniors as active as they wish, and those who are less active. So I do believe that organizations that are representing interests of that nature, at least in my area, are really important for consideration.

Secondly, 40% of the people, at least in the Peterborough region, live in much more rural parts of the riding than those in the city itself, obviously. Though I don't profess to be expert on this, I never sense that the rural areas are as fortunate, if you will, in terms of the provision of grants to them. I think their interests have to also be brought to the table.

Mr Tascona: So you think the rural area is where the focus should be, or more focus should be, in terms of the Trillium Foundation?

Mr Beckett: More focus; exactly. I can't speak to the issue as to how much or how little, other than from my own experience in living there.

Mr Tascona: OK. I want to thank you for your interest in that. Certainly with a young family and a busy law practice, you're going to be up to the challenge.

Mr Beckett: Thank you.

The Chair: Did you have any questions, Ms Horwath?

Ms Andrea Horwath (Hamilton East): No, Madam Chair, I'll sit this one out. I apologize for my delay this afternoon.

The Chair: We welcome you.

Thank you very much, Mr Beckett, for coming today. That concludes the interview. We do appreciate your taking the time and we wish you all the best.

BRIAN COBURN

Review of intended appointment, selected by government party: Brian Coburn, intended appointee as member, Assessment Review Board.

The Chair: Our next interview is with Brian Coburn, the intended appointee as a member of the Assessment Review Board. I would invite Mr Coburn forward. Good afternoon, Mr Coburn. It's great to see Mr Morin and now you here today. We don't need to ask either one of you about your political affiliation. That's pretty public.

Mr Parsons: Is it an organized political party?

The Chair: I think they both were.

I think you probably know the routine, where each of the three parties has 10 minutes and we go in rotation. If you want to make an opening statement, we certainly would welcome that, and your time would be deducted from the government party. Welcome, and you can make a statement if you wish.

Mr Brian Coburn: Thank you, Madam Chair. I just have a few brief comments.

I thank you and the committee for this opportunity to speak to you. I believe you've got my CV in front of you. I just want to go over some of the things that have happened to me.

I was born and raised on a dairy farm in the township of Cumberland, which is the eastern part of the city of Ottawa today. Over the years I've gained considerable experience in a variety of areas in our society. From my youth on the farm, I went on to work in the heating business. I managed a local heating oil company and subsequently started my own heating and air conditioning business. I then expanded that into a construction and excavating business. I also had an opportunity to teach a couple of semesters at Algonquin College in the burner mechanics licence program. I also forayed into the restaurant business for a number of years, owning the Ballycastle Restaurant in the village of Navan. Along with that, of course, living in a rural community, I participated in many of the community organizations.

For 22 years, I had the pleasure of serving the residents of Cumberland and Ottawa-Orléans, first as a councillor for nine years and then nine years as mayor of the township of Cumberland, and most recently I had the great pleasure of being the MPP for the Ottawa-Orléans area for four years, from 1999 to 2003.

During my term as mayor, Cumberland was recognized as the fastest-growing community in all of Canada at that time, percentage-wise. Our population grew from 12,500 to over 51,000 during my time on local council. I was also a councillor and a member of the executive committee at the region of Ottawa-Carleton when market value assessment came into being. I was one of the principal proponents of that, along with some other mayoralty colleagues. At that time, the region was made up of 11 municipalities. For any of you who know the Ottawa area, a number of them were largely rural and then we had the large urban centre core.

Throughout my working life, day in and day out, I've been working with the public. The requirements for

success during that time were very similar or a mirror image of the requirements to sit as a member of the Assessment Review Board. Analytical ability, judgment, tact and being capable of interpreting legislation fairly and objectively are indeed the qualities that were beneficial to me in my time in business and in government. I believe those experiences I've gained over the years will serve me well and that I would be a responsible and capable member of the Assessment Review Board.

Thank you very much for this opportunity.

The Chair: We will begin with the Conservative Party.

Mr Tascona: It's good to see you, Brian. You look in very good health. I'm very pleased to see that you're up for this appointment. I think you're very capable to handle this.

I just have a couple of questions. You were called to appear today by the government members of this committee. Does it concern you that the committee members seem to be questioning the decision of cabinet by bringing you before our committee for review?

Mr Coburn: No.

Mr Tascona: What do you view as the major challenge you're going to have with respect to this particular agency? I think it's fairly high profile and certainly receiving a lot of attention by the Minister of Finance.

Mr Coburn: I think for all of us, and particularly you folks who sit on committee, you've experienced the calls you have from residents with respect to assessment and taxation etc, which goes to the very heart of the economic well-being of our communities. The role, as I understand it, on the ARB is not to set government policy but rather to sit there and listen to the pros and cons of the appeal that's in front of you and to be objective and fair-minded and work within the boundaries and the spirit of the legislation. That's one of the challenges I think we always have in public life, and sitting on boards, to make sure that you remain fair-minded and objective and that you get all the information.

Mr Tascona: Thanks very much. I appreciate your time.

Ms Horwath: Good afternoon. I know you have already mentioned that you didn't believe it was the role to make government policy but rather just to fulfil the role of looking at the appeals within the existing framework that's in place. I'm wondering, with your experience and your understanding of the system, do you have any opinion personally on the issue of tax caps and tax ratios? It's a fairly controversial issue and there has been some pressure from many different places to change the way those are implemented. Do you have any opinions on that particularly?

Mr Coburn: No. Certainly we as humans always have opinions and comments on a variety of issues. However, my role, if I become a member of the ARB, is to sit there and work within government policy.

I also believe, though, in response to that, as you sit as a member—and I was fortunate to have a meeting with Mr Stephenson, who is the chair, where we had quite a wide-ranging discussion on a number of things. There is an opportunity when you sit as a board that you can use some of your experiences. When you sit and hear some of these cases, in consultation with the chair, you bring forward your experiences and possibly some suggestions, and then follow the proper sequence where possibly you have discussions with the ministry and the minister, and that may lead to some changes or at least provide some constructive input into the process.

1400

Ms Horwath: There's been some criticisms of the board, in terms of the processes that are necessary to have an appeal go through and get to the final determination, and there have been some concerns about red tape and the length of the process and all of these kinds of things. Do you have any first-hand knowledge of what some of those criticisms are and any idea of how to make the board function in a more streamlined fashion?

Mr Coburn: I think, once again, all of us, whether you're waiting in line at a bank or waiting in line for anything, get some frustration if you're not dealt with in a professional and prompt way.

One of the things that's always troubled me over my years in municipal government and provincially is we spend lots of money on computerized systems etc to improve and make things simpler and more efficient, and yet we wind up hiring more people to do the job and it never works the way we had intended it to work. That becomes very frustrating to you, the individual that is appealing or looking for a decision or some guidance on a situation.

I guess the comments I've received, not only in my political life, but as a regular Joe in the street these days, is people get very frustrated when they're not responded to in a timely manner. That's uppermost: to understand where it's going. Has it been heard: "Did anybody hear my appeal? I've sent the request in to deal with that." Those are some of the real challenges: to make things operate efficiently and respond in a timely manner.

Ms Horwath: You may recall that one of the big problems—I come from the municipal sector and was a city councillor in the city of Hamilton, and one of the complaints I regularly heard was there was "no opportunity for real people to come and see my house" to determine whether or not it was in fact being assessed properly, that the access to human beings, in terms of getting some service from the board, some real human eyes looking at the situation, was a frustration for people. I don't know whether you have any concerns or opinions as to whether or not the reduction in the number of staff doing that kind of work has had an effect on the public's perspective of how the system functions.

Mr Coburn: I think the government presently and governments before that—nobody's been able to find the magic solution on how you should deal with this one on one. The government of the day is taking a look to see if there isn't some better way of being able to deal with those kinds of situations. Certainly the challenge to go out and visit every household is something that's not really possible, but to do it in more of a way that puts that

human touch on it that you talked about, that's the challenge. Isn't that the challenge to all of you who are in government as well: to put that human touch on it?

Ms Horwath: Thank you. No further questions, Madam Chair.

The Chair: Thank you, Ms Horwath. Mr Parsons?

Mr Parsons: No. It's good to see you again, Brian, but there are no questions.

The Chair: That's great. That was easy, Mr Coburn. We appreciate your being here and we wish you all the best in this possible new endeavour.

Mr Coburn: Thank you very much, madam.

The Chair: I think what we'll do at this point in time, since we're almost one hour ahead, is adjourn until 3 o'clock when our 3 o'clock appointment appears, and then we'll complete the next four. So we'll reconvene at 3 o'clock.

The committee recessed from 1405 to 1500.

BILL MARRA

Review of intended appointment, selected by third party: Bill Marra, member, Ontario Civilian Commission on Police Services.

The Chair: I think we will come together one more time and begin our next interview with Mr Marra, the intended appointee as a member of the Ontario Civilian Commission on Police Services. Welcome, Mr Marra. As you probably know, each party is going to have 10 minutes for questions and we'll go in rotation. You are certainly able to make an introductory statement if you wish, and whatever time you use will be deducted from the governing party. Did you wish to make an introductory statement?

Mr Bill Marra: Yes, I do. It will be brief.

The Chair: Please proceed.

Mr Marra: Thank you, Madam Chair. Good afternoon to you and the members. I truly appreciate the opportunity to be here today. I'm here to discuss my qualifications for the intended appointment to the Ontario Civilian Commission on Police Services. I believe you have a copy of my resumé and some background information. I'll just take a few minutes to provide a brief overview.

For well over 16 years, I have worked in the criminal justice field in a variety of different capacities. I have worked, beginning as a front-line counsellor back in the day, in young offender facilities. I also spent six years with the Ontario public service as a probation and parole officer out of the Windsor-Essex office. Since 1997, I've been the executive director of New Beginnings, an organization in Windsor-Essex that operates residential facilities primarily for young people in conflict with the law and at-risk youth as well. I even spent a couple of years with the Windsor police auxiliary force back when I thought I wanted to be a police officer. That was obviously a good experience.

Rounding out my background, I also spent three years at St Clair College in Windsor. I taught there in the program for young offenders. Most recently, I served nine years—three terms—on city council. During my tenure on city council, I served on over two dozen different boards, committees or commissions, including the crime prevention committee for the city, to which I was appointed prior to being elected to council. I also co-chaired a Windsor-Essex crime prevention initiative for a number of years. I served on the police services board in Windsor, and in my final year, I was the chairperson.

I believe my education and experiences make me a very good and well-rounded candidate for OCCPS. In addition to earning relevant degrees in my field, I was also trained in mediation and dispute resolution through a program offered through York and the University of Windsor about three years ago.

The past two decades have exposed me to policing issues for a variety of reasons. I also have a very strong public service background. I have continued to work in my community in a volunteer capacity. I am currently the pending first vice-chair of the hospital board in Windsor. During my term on council, I developed a very good reputation for being a hard-working person, very honest, very ethical. Even though I am no longer involved in municipal politics, I still continue my involvement in the community.

I've also had valuable experiences at the provincial and federal levels. Let me explain me that. In my field we have an association that represents all the facilities, and for a couple of years I acted as the president. That was very important because it offered an opportunity to see what other communities do, get a sense of what communities do from a provincial and a local perspective. It also offered me an opportunity to work with the government of the day. At the time, there was a lot of dialogue that went back and forth about our industry, funding issues and policy changes.

When I was on council, I also served five years on the Federation of Canadian Municipalities. That provided an equally good perspective, but on a national level. Again, you get a sense of what happens in other communities. I think that's good perspective and good experience as a public servant, because it gives you a perspective that's important when you're back home dealing with your local issues.

When I was on FCM, the federation, I did chair a national standing committee on crime prevention and community safety. We did a great deal of work with the organization of the chiefs of police. In fact, in my final year there we had begun an initiative that was going to translate, hopefully, into some local projects. I left that when my term on council ended. I also worked on a task force. I co-chaired a task force in fact, with Correctional Service Canada and the National Parole Board.

I believe that with provincial bodies such as OCCPS it is important to reflect different perspectives, different backgrounds and different training with the appointed members. I believe that having a representative from Windsor will also offer a very unique and important perspective. As a border community, our views and challenges with policing, for example, are different than other communities, and, as with any provincial body, having

representatives from across the province is always important.

I look forward to serving, if appointed, as your representative, and I will immediately proceed with any orientation or training, as required.

That concludes my opening statement, Madam Chair.

The Chair: Thank you very much, Mr Marra. I would now ask Ms Horwath from the NDP to begin the questioning.

Ms Horwath: Good afternoon. I notice from your resumé your participation in municipal politics in Windsor. Can you tell me if you're a member of a political party?

Mr Marra: No, I'm not.

Ms Horwath: Are you a donor to any political parties?

Mr Marra: I have in the past, yes.

Ms Horwath: Can you tell me what party you were donating to in the past?

Marra: The Liberal Party.

Ms Horwath: Can you tell me how it is that you found out about the appointment to this particular commission?

Mr Marra: I was familiar with OCCPS, obviously, from my work on the police services board. To be frank with you, I lost a mayoral race in November, and after that was done, after a couple of months, I really thought there was a need for me to stay connected and stay busy with the community. I did contact the local MPP's office to find out about the appointment process. I was very interested in this body only. The other ones that I looked at really didn't have an interest for me. This seemed to be really strongly correlated to my personal background and my personal interests as well. So I submitted an application in January, and from there the process began.

Ms Horwath: So your MPP let you know that this was a position—can I ask which MPP you were talking to?

Mr Marra: I contacted Mr Duncan's office.

Ms Horwath: And Mr Duncan let you know the various positions that were available, and this is the one that took your interest?

Mr Marra: Actually, I was referred to a Web site. I remember doing some research on the provincial Web site to see which committees and commissions existed. This is the one that I expressed an interest in.

Ms Horwath: Excellent. I noticed you have some background that you've raised in your CV on the police services issues and of the justice system generally. I'm wondering if you are aware that there have been some particular criticisms about the organization, the commission, particularly in regard to whether or not it's arm's-length enough, whether or not it's civilian-oriented enough, whether it in fact is a proper oversight body. Can you tell me if you know about these controversies and what your opinion might be on that?

Mr Marra: No, I'm not aware of the specific criticisms. I am aware that there is a review underway currently. I'm not clear on the mandate of the review. It's probably consistent with some of the comments you just made. I don't know enough to offer an opinion, but like anybody else, I'll be anxious to see the results of the review and whatever recommendations may come forward from that.

Ms Horwath: Along the same vein but from a little different perspective, previous to the system we have now in place there was a much more civilian-oriented oversight role that dealt with the kinds of issues the commission currently deals with. Noticing your background—I think you said in your interview that you wanted to be a police officer at one point—are you at all concerned that you might have some biases that would prevent you from being perhaps as thorough as is necessary to investigate the complaints that may come forward before you?

Mr Marra: I don't believe it would affect me. I really highlighted purposely, even in my opening statements, my exposure to policing and the criminal justice field because I think it'll be an asset in adjudicating issues, researching, understanding the facts. I think it offers a valuable perspective. But certainly not. I can reference my three years on the police services board, where, at times, we had to make some difficult decisions, decisions that were popular with some and not popular with others. I took an oath to that board, I took an oath to my seat on council, and I executed my duties. I don't believe any biases ever entered into any decision-making or ever affected me in making the right decision in the interests of the public.

The Chair: The government.

Mr Parsons: No, we have no questions, thank you.

The Chair: Thank you. Mr Tascona.

1510

Mr Tascona: Thanks for coming here today, Mr Marra. Certainly this position, OCCPS, is a very prestigious appointment. You say you heard about this—you contacted Mr Duncan about this position?

Mr Marra: I contacted him about process, more than anything. I was aware of OCCPS through my work, primarily through the police services board.

Mr Tascona: You went to the Web site, and then you—I think you expressed an interest in OCCPS. Then where did you go?

Mr Marra: Then I was told of the process. This is back in January, Mr Tascona, so my memory's going to be a little foggy.

Mr Tascona: Do your best.

Mr Marra: I do recall applying. I do recall submitting a written application with my name and an interest in that. From there it's been a pretty long process, because apparently there's a substantive amount of work in processing applications. I know there was quite a bit of police background check that they had to do.

Mr Tascona: Did you speak to Mr Duncan about this in the interim?

Mr Marra: I spoke with one person from his office. I never spoke with him directly about it. I spoke with somebody from his office, yes, probably on two, maybe three, occasions, more as follow-up. To be frank with you, I was a little surprised at how long it was taking, but

again, I wasn't aware of the volume of work involved with processing applications and doing the background.

Mr Tascona: You indicated you have financially supported the provincial and federal Liberals?

Mr Marra: Yes. I've been to a number of fundraisers over the last many years. So the answer to that is yes.

Mr Tascona: Currently, you're not a member of either party?

Mr Marra: No, I'm not a member of any political party. I've pulled memberships from the past, primarily when I got involved in nomination processes.

Mr Tascona: So you've been involved in nomination processes, I take it, for the Liberal Party.

Mr Marra: Yes, at the federal level.

Mr Tascona: You're a friend of Rick Limoges?

Mr Marra: Yes. We served on city council together.

Mr Tascona: I think he ran against Mr Comartin in the last federal election.

Mr Marra: That's correct.

Mr Tascona: The job that you're involved in—I take it that you have some knowledge of the police. What kind of relationship did you have with the police in the city of Windsor?

Mr Marra: What kind of relationship do I have with them?

Mr Tascona: Yes. What kind of relationship did you have with them? You were on the police services board for three years. Were you supportive? Were you adversarial? What kind of relationship did you have with the police?

Mr Marra: I don't know if I would describe it by either of those two characterizations. I had a good relationship with people whom I worked with. Again, as I indicated earlier, there are times, especially with the police services and police in general, with the kind of attention that's been getting in the last few years, where decisions are difficult. We've had our challenges down there as a border community, but I can't really describe that I had a great relationship or didn't have a great relationship with these folks. It was a professional relationship. I was an elected member of council, appointed to the police board, and I did my job. I think I did it very well: open, transparent dialogue all the time with administration or members of the association. It's the way I prefer to operate. I even went through a collective bargaining process with them, which was interesting in itself, and that went fairly well.

Mr Tascona: Did you have any involvement with OCCPS while you were on the board?

Mr Marra: No, I didn't.

Mr Tascona: Now, I just want to take you into the actual task of what's going on with OCCPS. I think you're familiar with Chief Fantino of the Toronto Police Services Board?

Mr Marra: I'm familiar with who he is, yes. I've never met him.

Mr Tascona: Apparently, the commission was asked to conduct a section 25 investigation into the Toronto Police Services Board's decision not to extend Chief Julian Fantino's contract. You're familiar with what's been going on here in Toronto with that issue?

Mr Marra: I've been following it through the media, yes.

Mr Tascona: Any views on it?

Mr Marra: No. I'm quite anxious and interested to see what will happen, but I don't have any views on it. It's really difficult to have a real good opinion on this. There are people who serve on the board who have been appointed there either by the provincial government or municipal government, and they're making some decisions based on whatever information they have. But I'm watching and I'm obviously anxious, like most people who follow it.

Mr Tascona: Well, you're a former municipal councillor and you served on the police services board. Do you think there should be anything done with respect to the appointment process for the police services board? Some of the appointments are made by the provincial government. The majority, I believe, are made by the municipal. When you get into a situation where you're dealing with, I guess, the governance of those police services boards, in your experience, do you think the process is working or is, I should say, free from political interference? Is it significantly enough arm's length, or is there something else that should be done?

Mr Marra: Mr Tascona, if I reference my experience in Windsor, it worked really well. We had two appointees from the provincial government—from your government, I believe. From our perspective, the people we appointed—we had two members of council who had served on it, and then we went through a very exhaustive public process to appoint our municipal appointee. We sent out an advertisement and had a very strong response. We set up a small committee and interviewed people we thought met at least the initial criteria. That process was thorough and really quite effective. I thought each member of the board that was in place during the time I served was very capable and competent and did a very good job.

Mr Tascona: So I think you'd share with me that the process should be arm's length and politicians shouldn't get involved in the appointments process to put forth their own agenda.

Mr Marra: Well, again, politicians appointed the municipal appointee, and that worked well. Maybe it's a question of process; I don't know. But for us, the process in place worked very well.

Mr Tascona: So there isn't a political agenda, would you agree?

Mr Marra: People should be appointed based on their skills, abilities, perhaps their experiences, and competency.

Mr Tascona: And they should be let go on the same basis, correct?

Mr Marra: If people are doing a job, they should stay in their position. If they're violating their oath or not doing what they've been asked to do and what they have promised to do, then I'm sure there are repercussions available. I think the police act provides for that.

Mr Tascona: I'm going to touch one other area with you, which is civilian oversight. The Attorney General has farmed out a project, as he usually does, and this one deals with civilian oversight. It's his latest third-party project. He's given it to Patrick LeSage, the former Chief Justice of the Superior Court of Ontario, who's a very able justice. I think Mr Bryant is quoted as saying, "Civilian oversight, to be effective, has got to be independent and transparent."

What are your thoughts on that? Do you think the present system is balanced with respect to civilian oversight, or does it need more work? What do you think?

Mr Marra: I don't know that well enough to offer a really educated opinion. I'm anxious to see what this review is going to offer, as far as recommendations go, but I really don't know it well enough to give you a good opinion.

Mr Tascona: Well, you'd know it well enough in terms of the current system. Do you have any comments on the current system?

Mr Marra: No, I don't.

Mr Tascona: Would you think the current system is working well or not? You were there for three years. You'd know.

Mr Marra: On the police services board, as far as the civilian complaints?

Mr Tascona: Yes.

Mr Marra: In our community, the process worked well. It was a big undertaking. We dealt with many complaints on a monthly basis, because it was reported, of course, to the board. I think one of the stellar things our chief did back home was work his butt off, if I could use that expression, to be connected to the community. He worked with many organizations, particularly the multicultural groups in town, and fostered relationships with them and open dialogue. It's a little-known fact, I believe, that we're the fourth most diverse city in the entire country. We have 104 different cultural groups. I reference the cultural aspect because it certainly was something you would see in complaints.

Mr Tascona: It's definitely a challenge.

Mr Marra: Sure it is, and kudos to the organization for fostering a relationship with the community. I think it played a role in satisfying people. You don't satisfy everyone, but in my experience, generally speaking, complaints were handled properly in our community.

Mr Tascona: Thanks very much.

The Chair: That completes the interview, Mr Marra. We appreciate your coming.

1520

JIT TAKHAR

Review of intended appointee, selected by official opposition party: Jit Takhar, intended appointee as member, Council of the College of Opticians of Ontario.

The Chair: Our next interview this afternoon is with Mr Takhar, the intended appointee as a member of the Council of the College of Opticians of Ontario. I would invite you forward. Again, just to review with you, each party will have 10 minutes for questions. Also, you have an opportunity to make an opening statement. The time you take would be deducted from the governing party. Welcome, Mr Takhar. Did you want to make a statement?

Mr Jit Takhar: Yes, I do.

The Chair: Please proceed.

Mr Takhar: Thank you, Madam Chair and members of the committee. I feel privileged to come in front of the standing committee, meet the members and share my views with them.

My name is Jit Takhar. I am a Canadian citizen and a resident of Brampton, Ontario, for the past 17 years. Previous to living in Brampton, I moved to Birmingham, England, from India in 1970 and then moved from Birmingham to Long Island, New York, in 1984.

As stated in my resumé, I am a chemical engineer. I received my engineering degree from Teesside University in England.

I have been married to my wife, Darsh, for the past 24 years, and I have three children. My daughter Kieran is 19 and is studying kinesiology, health science and psychology at York University. My son, Jaskamal, is 17 and is in his last year of high school. My youngest, Sharan, is 14 and started high school in September.

I have been interested in the health care profession for some time now. When this opportunity came up, I thought I would send in my resumé and see if I could be considered for any opportunity in the health care field.

I have learned a lot about the health care profession from my wife, who is a critical care nurse, and my daughter, who has worked in the critical care setting since she was 16 years of age and who is planning to pursue a career in the health professions too.

I have worked in the management field for many years, and I have dealt with many people at different levels. I have attended many workshops related to my field and have a lot of responsibilities. I enforce health and safety in my workplace and work very hard to ensure that all the policies are met by each employee.

By combining these qualities, I think I will bring solid management to the council, particularly in the various committees such as complaints and patient relations.

To summarize, I am educated and have the management skills required, and above all, I am willing to learn and take on new challenges.

The Chair: Thank you very much, Mr Takhar.

I would invite the governing party—

Mr Parsons: No questions.

The Chair: Mr Tascona?

Mr Tascona: Do you know the current Minister of Transportation, Harinder Takhar?

Mr Takhar: Yes, I know him. He's a friend.

Mr Tascona: Pardon me?

Mr Takhar: Yes, I know him.

Mr Tascona: Are you related to him?

Mr Takhar: No.

Mr Tascona: How do you know him? Is he a personal friend?

Mr Takhar: Just a personal friend. I've known him since he was at the Peel District School Board.

Mr Tascona: You knew him when he was at the Peel District School Board?

Mr Takhar: Yes, when he was the associate director there.

Mr Tascona: Who is your MPP?

Mr Takhar: MPP or MP?

Mr Tascona: MPP.

Mr Takhar: Linda Jeffrey, from Brampton Centre.

Mr Tascona: Are you a member of the provincial Liberal Party?

Mr Takhar: Yes, I am.

Mr Tascona: Are you a financial supporter of the provincial Liberal Party?

Mr Takhar: No.

Mr Tascona: Your appointment here deals with the Council of the College of Opticians of Ontario. You've got a chemical engineering background. Your resumé goes up to 2001. What are you currently involved in?

Mr Takhar: Actually, I sent in that resumé in a rush. Presently, I'm working at the CSI Gear Corp.

Mr Tascona: What's that?

Mr Takhar: It's a company called CSI Gear Corp. That's where I work now.

Mr Tascona: What do they do?

Mr Takhar: They make transmission gears for gearboxes.

Mr Tascona: Do you have any experience or involvement in the optician field?

Mr Takhar: Not at the moment, no. Nothing at all.

Mr Tascona: Had your eyes tested recently?

Mr Takhar: No.

Mr Tascona: You may want to. They're changing the rules on that.

Mr Takhar: Actually, my eyes are pretty good so far.

Mr Tascona: Good for you.

I guess you're aware that the government is delisting opticians' services for people who are, I believe, 20—

Mr Takhar: Twenty to 60, I believe.

Mr Tascona: That's right. You're aware of that.

Mr Takhar: Yes. Actually, I went through the act itself and it does say that—I have some notes here. But I can't really comment on that at the moment. I still have to learn about it.

Mr Tascona: Do you have any thoughts on that? Are you for or against that?

Mr Takhar: I really can't comment on that yet. I know it's between 20 and 60. It does say that in the act.

Mr Tascona: Do you support that?

Mr Takhar: Actually, I didn't get a chance to read that in detail, so I can't comment.

Mr Tascona: I'll just give you a little briefer on that. It says the government has made a decision to delist optometry services. As you correctly stated, it's between the ages of 20 and 65, unless you have a serious problem. Are you in favour of that?

Mr Takhar: Actually, in a way, it's good as well because people can abuse the system too.

Mr Tascona: How's that? How do you think they can abuse the system with respect to testing your eyes?

Mr Takhar: I don't know if it's covered by OHIP or not, but I have to read that to comment on that in more detail. I don't know much about it.

Mr Tascona: Would you want to pay for your optician service?

Mr Takhar: It depends.

Mr Tascona: Do you think it should be covered by OHIP or do you think you should pay for it?

Mr Takhar: It depends.

Mr Tascona: It depends?

Mr Takhar: Yes.

Mr Tascona: On what?

Mr Takhar: I really don't know the answer yet.

Mr Tascona: I'm not trying to give you a hard time; I just want to get your feelings. You have no opinion on that?

Mr Takhar: No, not at the moment.

Mr Tascona: Not at the moment; OK.

Mr Takhar: I have to learn about it.

Mr Tascona: How do you think the delisting will impact opticians, because you're going to be going on the Council of the College of Opticians.

Mr Takhar: The delisting?

Mr Tascona: Yes.

Mr Takhar: Maybe it's going to impact them financially, for sure. Initially they probably aren't going to like that.

Mr Tascona: Do you think it might impact the quality of service they can provide?

Mr Takhar: It can affect the quality, for sure—the quality and the service.

Mr Tascona: In the past, the college has had problems because public members have not been able to attend meetings regularly. How much time are you prepared to commit to this appointment?

Mr Takhar: Whatever is required, for sure I will do that.

Mr Tascona: OK. Do you believe that opticians should be able to perform some of the duties currently performed by doctors and optometrists, such as simple refractometry eye examinations? Are you familiar with that?

Mr Takhar: Whatever is said in the act, they should be able to follow the act.

Mr Tascona: Do you think they should be able to expand the services they can provide?

Mr Takhar: If you look at the act itself, it's a controlled act, and controlled acts are very clear. If you look at section 9, they should be only dispensing, and examining the eyes.

Mr Tascona: So you think they should be restricted just to dispensing?

Mr Takhar: Yes, they should be restricted.

Mr Tascona: OK. Thanks very much. I appreciate it.

Ms Horwath: Good afternoon. I just want to follow up a little bit on your resumé that you've provided. You don't indicate in your resumé any particular knowledge

or understanding of this field, nor of the health care field generally. I know you mentioned some of your immediate family are involved. Can you tell me of any of your personal experience or why this particular appointment was of interest to you?

Mr Takhar: Yes. I've been looking for anything in the health field, not just in particular this one. My wife is a nurse and my daughter is doing kinesiology at the university, so just a general interest. That's what expanded into this.

Ms Horwath: Did you apply for others, as well?

Mr Takhar: Actually, I just sent in my resumé and said I'll be looking for anything in the health field. It doesn't matter if it's this or some other field, as long as it's in the health field, public health.

Ms Horwath: You don't indicate in your paperwork any particular work that you've done in the community or any volunteer work or any other organizations that you might have volunteered with or been a member of. Can you tell me if you have any experience working either in the voluntary sector or in any other capacity with other organizations or groups?

Mr Takhar: Yes, I have done a tremendous amount of work, particularly for our own community. We do a function every year. So we get the community together and look for different things, people having any problems, how we can solve those things, particularly when the newcomers come in, if they have a problem with English or if they don't know where to go, particularly for a driving licence, all these kinds of things. I'm deeply involved in this, particularly in my own community.

Ms Horwath: Is there a formal organization or is it a matter of just informally through your community networks?

Mr Takhar: Yes, informally through the community. There's no such organization, nothing like that..

1530

Ms Horwath: In regard to the formal kind of processes and procedures and structure that take place in this kind of setting, do you have any experience at all in that way?

Mr Takhar: Actually, if you look at my resumé, I'm deeply involved in health and safety at my workplace. That involves a lot of policies and procedures. I've been doing that for a number of years now.

Ms Horwath: Are you in a unionized workplace?

Mr Takhar: Yes, it's a unionized place.

Ms Horwath: So this is a labour-management health and safety committee?

Mr Takhar: It's a health and safety committee.

Ms Horwath: A joint health and safety committee?

Mr Takhar: Joint health and safety, yes.

Ms Horwath: Are you a union rep on the joint health and safety committee?

Mr Takhar: No, I'm on the management side.

Ms Horwath: You're a management rep?

Mr Takhar: Yes. I'm also a certified member from the management side.

Ms Horwath: Have you ever taken the opportunity to volunteer with any social organizations other than your specific community organization?

Mr Takhar: Actually, I always thought of doing it, but because my kids were pretty young, I've been busy with their soccer games and ice skating, all of those kinds of things. I had to do that area.

Ms Horwath: So that's prevented you from participating?

Mr Takhar: Yes. Now they're grown up, so I have more time to do other things.

Ms Horwath: I think those are all the questions. Thanks, Madam Chair.

The Chair: Thank you very much, Mr Takhar. That completes the interview. We appreciate your coming forward this afternoon and we wish you all the very best.

Mr Takhar: Thanks very much.

BARRY FOWLER

Review of intended appointment, selected by official opposition party: Barry Fowler, intended appointee as member, Ontario Trillium Foundation board of directors.

The Chair: Our next interview is with Mr Barry Fowler, intended appointee as a member to the Ontario Trillium Foundation board of directors. Welcome, Mr Fowler.

Mr Barry Fowler: Thank you.

The Chair: I'm sure by now you've heard that we have 10 minutes per party. If you wish to make an introductory statement you would certainly be welcome to do so. That time would be deducted from the government party. Did you wish to make a statement?

Mr Fowler: Very briefly. I just wanted to apologize in advance; I have a bit of a head cold. I'm here to answer whatever questions you have.

The Chair: Thank you very much, Mr Fowler. We're going to begin at this time with Mr Tascona.

Mr Tascona: You're from Windsor, I take it?

Mr Fowler: I am.

Mr Tascona: Who's your MPP down there?

Mr Fowler: Dwight Duncan.

Mr Tascona: How did you hear about this appointment?

Mr Fowler: I've been very involved in the community. I'm chair of the Windsor-Essex NonProfit Support Network. We've been the successful recipients of three Trillium grants, and Trillium representatives have come out to our events. I checked in with an assistant to Mr Duncan as to what the appointment process was. I was referred to a Web site. I went to the Web site, downloaded an application and submitted that with my resumé.

Mr Tascona: Since you put in the resumé and your application, have you had any contact with Mr Duncan's office?

Mr Fowler: Yes, I've had lots of contact with Dwight's office.

Mr Tascona: About your appointment, though?

Mr Fowler: No, none at all.

Mr Tascona: It went through pretty quickly. When did you apply for this? July 7, 2004.

Are you a supporter of the provincial Liberal Party?

Mr Fowler: I am.

Mr Tascona: And you're a card-carrying member?

Mr Fowler: I am.

Mr Tascona: And you financially support the provincial Liberal Party?

Mr Fowler: I do.

Mr Tascona: You're very active in the community and you should be congratulated on that. You have a tremendous record of community service.

Mr Fowler: Thank you.

Mr Tascona: But I want to ask you, you say you had involvement with three projects that you got funding for?

Mr Fowler: The Windsor-Essex NonProfit Support Network received three grants from the Trillium Foundation. Our first one was for a facility on Drouillard Road, which was to provide a handicap-accessible entrance. Our second one was to turn the basement of our centre on Ouellette Avenue, which is the main street in Windsor, into a storage facility for non-profit organizations. Our most recent one was to hire a staff person to develop a non-profit best-practices manual.

Mr Tascona: Are there any particular charities or not-for-profit organizations that you feel should receive special consideration when the teams review funding applications?

Mr Fowler: No. I think each application has to be judged on its individual merits.

Mr Tascona: Do you think there are any specific or special needs in—I think it's the Windsor and Essex area you're dealing with?

Mr Fowler: Yes. There are many needs in our community and in communities across the province. As I understand it, for every dollar of grants that the Ontario Trillium Foundation makes, they have to say no to $3 in requests. So the need is very great and therefore requires that there be a high level of scrutiny given to each application, to make sure the limited funding that is available can be spread around equitably.

Mr Tascona: What is your connection with the Windsor-Essex NonProfit Support Network?

Mr Fowler: I'm the chairman of the board.

Mr Tascona: What does that mean? How is it structured?

Mr Fowler: There's a board of directors, five members. I'm the chairman. The executive director is ex officio.

Mr Tascona: And what do they do?

Mr Fowler: The organization is about capacity development. Our highest-profile projects are the subleasing of space within our community centre. We lease it and then sublease it to other charities. We purchased a building on Ouellette Avenue and we sublease it to other charities at subsidized rental rates.

Mr Tascona: Those are all the questions I have.

Ms Horwath: Following on the same lines, would it put you in any position of conflict if you were appointed, in regard to the charities you have worked with or have been involved with directly in your community?

Mr Fowler: I spoke with Stuart Kidd, who is the acting chair of the Ontario Trillium Foundation, and I inquired with him about that very subject, because I did have a concern about it. Mr Kidd assured me that that subject matter would be covered in the orientation which will take place tomorrow, if I am successful before the committee today. Generally speaking, he related a story to me about another member of the board who did not declare a conflict of interest on a matter and was questioned by a member of the media. It was an ugly situation. As I understand it, if there's any direct or indirect relationship, even if there is no pecuniary interest, it's always best to declare a conflict of interest. But I'm waiting to see what the direction is in the orientation session.

Ms Horwath: And you feel comfortable with that and feel you could still more or less serve your community as an appointee even though you would have to be declaring a conflict of interest quite regularly, by the sound of it, because you do have quite an extensive connection to the very types of organizations that would be applying for funding.

Mr Fowler: That is true. In preparation for this meeting, I did download a list of every grant the Trillium Foundation has made since 1999. I believe there were 14 that were affected by either our organization directly or tenants within our organization. It would be appropriate to declare a conflict of interest on those, but to put that into some context, I believe there are close to 700 applications that are coming to this board, and Windsor is but one of 16 catchment areas. So for the limited number that I would have to declare conflicts locally, I think I can more than aptly serve the wider, province-wide community with this appointment.

Ms Horwath: Do you have any opinions on the criteria that the foundation has when reviewing grant applications? Do you think they're adequate? Do you think they're appropriate? Do you think there need to be any changes to them?

Mr Fowler: I haven't looked in any great detail at what the actual criteria are as of yet. Again, that's something that's supposed to be covered in the orientation session. Since I haven't been appointed, I haven't received a policy manual. I haven't had a chance to review that, so I really can't comment at this time.

Ms Horwath: Just one final question: Fitting together your own personal experience and the kinds of things you'll be asked to look at when the applications come forward, is there any particular area of work in the community that you see as being a priority, that would tend to rise to the top in terms of a place where you think funding should be directed by the Ontario Trillium Foundation?

Mr Fowler: I think the Ontario Trillium Foundation does an admirable job with the limited resources they receive. Again, as I stated earlier, as I understand it, the need is far greater than the amount of funding that is

available. Within that area, though, you have to balance the 16 catchment areas and the four major headways under which grants are given out. So I think the approach of the Trillium Foundation should be one of balance and equity rather than favouring anything specific.

Ms Horwath: I have no further questions.

The Chair: Mr Parsons?

Mr Parsons: No questions.

The Chair: Then we are able to say thank you to you, Mr Fowler. We appreciate your coming here this afternoon, and we certainly wish you well.

1540

CHRISTOPHER MORAN

Review of intended appointment, selected by official opposition party: Christopher Moran, intended appointee as member, Ontario Police Arbitration Commission.

The Chair: Our final interview this afternoon is with Christopher Moran. I would invite him to step forward. He is the intended appointee as a member of the Ontario Police Arbitration Commission.

I know you've sat patiently through the last three or four interviews, so, as you know, you do have an opportunity for an opening statement. Did you wish to make a comment?

Mr Christopher Moran: Yes. Thank you, Madam Chair and members of the committee. I do appreciate the opportunity to appear before your committee here today. If you'll bear with me, I'll just briefly read these notes I have so that the comments I make actually resemble the notes I've given you copies of. It's fairly short.

As you know, my name is Chris Moran. I live in Bradford, Ontario. My wife and I have run a successful insurance agency in Bradford for the last 18 years. My first appointment to the local police services board was in September 1996. Very shortly thereafter, my twin daughters were born. They just recently celebrated their eighth birthday, on Monday.

I was a member of the local police services board until May 2003. During that time, I was chair of the board for five years and vice-chair of the board for one year. I was involved in the negotiation of three of the collective agreements, which I believe to have been very fair and reasonable contracts with our local association. We did that without the benefit of any outside help, I might add. I also spent a fair amount of time with the front-line officers doing numerous day shifts and night shifts. I observed tactical training and use-of-force training, and went on ride-alongs for RIDE programs etc. I even spent an evening in the York Regional Police Air 2 unit so I could get a better understanding of how that asset might be used by our service in an emergency.

Basically, my goal was to gain a better understanding of the issues facing our officers and our community. I found that experience to be very useful not only in resolving local issues but also when I became a member of the Ontario Association of Police Services Boards. I found it much easier to understand the issues that were being brought to the table by other board members. At that point, I quickly realized that there were many very similar things happening throughout the province and that we had much common ground, as board members, with members of the police chiefs' association, the Police Association of Ontario and the OPP.

I was a member of the Ontario Association of Police Services Boards for five years. For four of those years I was on the executive, finishing up as past president in May 2004. I have had the opportunity to carry the OAPSB members' message to the last four ministers.

During my time as president, I travelled extensively throughout the province meeting with stakeholder groups. The OAPSB was involved in many issues of provincial significance, including extensive discussions on OMERS autonomy, to name one. We went through a major renewal of our association, including the development of an extensive training package for new board members and the introduction of a labour conference.

As you may know from the background prepared by Carrie Hull, the board of the arbitration commission is made up of a chair and four members, with two members to be recommended by the Police Association of Ontario and the other two members to be recommended by the Ontario Association of Police Services Boards.

When my term as president of the OAPSB came to an end in May 2003, the board at that point asked me if I would accept their recommendation to replace a member who was shortly to be leaving the board of OPAC. So it is at the behest of the board of directors of the OAPSB that I sit here before you seeking the appointment to the OPAC board.

The Chair: Thank you very much, Mr Moran. We would begin with Ms Horwath.

Ms Horwath: I see that your resumé is quite filled, not only with your police services experience, but other interests as well. That's nice to see.

My only question would be around your political involvement with partisan politics. Are you currently a member of any political party?

Mr Moran: Yes. And yes, I have made contributions.

Ms Horwath: Could you tell me which party that would be?

Mr Moran: Conservative.

Ms Horwath: The only other question I have is whether or not you would have the time necessary, considering your busy schedule and your intense involvement, to participate.

Mr Moran: Yes. There's no question that I have the time available, or I would make the time available. When I was president of the Ontario Association of Police Services Boards, at the end of that year term I calculated, somewhat to my chagrin, that I had spent somewhere between two and two and a half days a week away from my work doing OAPSB business. That scared me a little bit. But I am prepared to make the commitment.

The Chair: The government, Mr Tascona.

Ms Smith: What could he possibly have to ask?

Mr Tascona: There are many things I'm going to inquire about, thank you very much.

Thanks for coming here today, Mr Moran.

Mr Moran: My pleasure.

Mr Tascona: I noticed the letter that was sent to the Honourable Monte Kwinter, the Minister of Community Safety and Correctional Services, dated May 15, 2004, from Mary Smiley, the president of the Ontario Association of Police Services Boards, recommending you for this appointment.

My questions centre around two specific areas, because you have some good knowledge in this area. The first deals with civilian oversight. As you may or may not be aware, that's a matter that has currently been farmed out by Mr Bryant, the Attorney General, to Patrick LeSage, the former Chief Justice of the Superior Court of Ontario, a very able justice, to lead a formal review of the police complaints system. Mr Bryant is quoted as saying, "Civilian oversight, to be effective, has got to be independent and transparent."

I just want to ask you, because you've been involved with this since 1996, does the witness think that the present system fairly balances the interests of police officers, boards and citizens?

Mr Moran: Actually, at this particular point in time, I think it does. A complaint, by necessity, has to be investigated by a professional investigator in order to determine its veracity. Some people say, "Who's investigating whom?" My experience with the police officers I know and the ones who are involved in that is that they are extremely competent, extremely fair people. Quite frankly, if there is some veracity in a complaint, I have never known one not to bring it forward.

Mr Tascona: With respect to the Ontario Police Arbitration Commission, for which you're subject to review this afternoon, a couple of questions on that. What are your thoughts on the arbitration process?

Mr Moran: As far as what I know of it—and fortunately we never actually had to use that in any way—boards and people I've spoken to have found it to be a very fair and equitable process. They don't always like the results, but the process itself has been fair.

Mr Tascona: Do you think it's effective?

Mr Moran: From what I've seen of it, it appears to be effective, yes. While the arbitration process, by the very nature of it, does tend to inflate wages and so on because of people wanting to get what the other folks got, it certainly has been effective.

Mr Tascona: Are there any reforms to the existing system of arbitration you'd like to see introduced?

Mr Moran: There is nothing specific that I know of at this point. I would tend to be cautious about that until I've had a chance to see a bit more about how it's working. But the actual arbitrator sitting there doing an arbitration, I don't know of anything at this stage that would need to be changed. Basically, in the seven years that I was involved in boards, the only complaint I ever heard from anybody was the fact they didn't like the judgment that was given. But there were no complaints on the process or anything like that. Somebody's always not going to like the result.

Mr Tascona: Yes, but from a point of view of resolving a labour dispute—because, as you know, the police are not allowed to strike in this province or be locked out, because they're viewed as an essential service, like nurses, like firefighters, and unlike teachers. So in terms of this particular process, the arbitration process, have you heard from the police union side whether they feel the arbitration process doesn't serve the interests of the public and their members?

Mr Moran: No, I haven't heard anything like that from them. One of the reports that I saw was that somebody had done a study of the arbitrations over a period of time on how many ended up for one side and how many ended up for the other, and it turned out that they were divided almost equally 50-50. Mr Miller, who is the PAO representative on the committee, said, "I would like to have seen it more on our side, but at least it looks fair."

1550

Mr Tascona: Thanks very much. I appreciate that.

The Chair: Thank you very much, Mr Moran, for being here today.

That concludes the interviews for today and we're now going to consider the appointments. We'll begin with the intended appointment of Seid Taheri, the intended appointee as a member of the Council of the College of Audiologists and Speech-Language Pathologists of Ontario. The concurrence in the appointment has been moved by—

Mr Parsons: Chair, there are a couple of items of committee process I would like to raise following these, but at this time I'm pleased to move concurrence in this appointment.

The Chair: Any discussion on his appointment? If not, all in favour? Opposed? The motion is carried.

We will now consider the intended appointment of Robin J. MacKnight, intended appointee as member, Justices of the Peace Review Council.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? All in favour? Opposed? The motion is carried.

We will now consider the intended appointment of Gilles Morin, intended appointee as member, Assessment Review Board.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? All in favour? Opposed? The motion is carried.

We will now consider the intended appointment of Christopher Michael Friel, intended appointee as member, Ontario Rental Housing Tribunal.

Mr Parsons: There would be advantages for you and me if we could move them all together, but I move concurrence.

The Chair: You're right.

Mr Parsons: There are quite a number today.

The Chair: I know. There are 14. Concurrence in the appointment has been moved by Mr Parsons. Any discussion? All in favour? Opposed? The motion is carried.

We'll now consider the intended appointment of Beryl Ford, intended appointee as member, Alcohol and Gaming Commission of Ontario board of directors.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? All in favour? Opposed? The motion is carried.

We will now consider the intended appointment of John Hinds, intended appointee as member, Ontario Trillium Foundation board of directors.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? All in favour? Opposed? The motion is carried.

We'll now consider the intended appointment of Catherine MacDonald, intended appointee as member, Community Care Access Centre Simcoe County.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? All in favour? Opposed? The motion is carried.

We will now consider the intended appointment of Anne Marie Levesque, intended appointee as member, Council of the Ontario College of Teachers.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? All those in favour? Opposed? The motion is carried.

We'll now consider the intended appointment of David Beckett, intended appointee as member, Durham, Haliburton, Kawartha and Pine Ridge Grant Review Team.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? All in favour? Opposed? The motion is carried.

We'll now consider the intended appointment of Brian Coburn, intended appointee as member, Assessment Review Board.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? All in favour? Opposed? The motion is carried.

We will now consider the intended appointment of Bill Marra, intended appointee as member, Ontario Civilian Commission on Police Services.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? All in favour? Opposed? The motion is carried.

We'll now consider the intended appointment of Jit Takhar, intended appointee as member, Council of the College of Opticians of Ontario.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? All in favour? Opposed? The motion is carried.

We'll now consider the intended appointment of Barry Fowler, intended appointee as member, Ontario Trillium Foundation board of directors.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has been moved by Mr Parsons. Any discussion? If not, all in favour? Opposed? The motion is carried.

The final appointee for consideration: We will now consider the intended appointment of Christopher Moran, intended appointee as member, Ontario Police Arbitration Commission.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment has once again been moved by Mr Parsons. Any discussion? If not, all in favour? Opposed? That motion is carried.

I would now ask Mr Parsons to bring forward any other issues for consideration.

Mr Parsons: Yes, I have two concerns about committee business. For two of the individuals interviewed today, there was a question from the official opposition that inferred that the government member calling for an interview inferred lack of confidence in the cabinet decision. I want to clarify it for those who are watching on TV or reading Hansard that we believe very much as a government in an open public process. We believe it is important that it happen in public and that all members are equal, so we somewhat resent the inference that government members should not be entitled to call an applicant.

Secondly, for an individual coming for an interview, it requires a considerable amount of time on their part. We would ask that if a party selects a candidate to come for an interview, at least a representative from that party be present during that candidate's interview.

The Chair: Thank you very much, Mr Parsons. Did you wish to speak to that, Ms Horwath?

Ms Horwath: I do, Madam Chair. You will know, as the Chair of the committee, that I had indicated quite clearly that I would not be able to attend this morning. Members of this committee will know that, unfortunately, the NDP has eight members. There were a number of committee meetings today and some of our members are away out of town. Quite frankly, it was very clear that we had called people. I was unable to get here in time and I apologize for that publicly, but nonetheless I did make it clear to the clerk of the committee that I would not be able to get here before the afternoon meeting and I would do my best to get here as soon as possible. Unfortunately, the members are just going to have to either commit to holding off the meetings until all members can be here or deal with the fact that we do have busy schedules and, with a small caucus, can't necessarily get people here if the committee is not prepared to meet at my schedule's availability. Thank you, Madam Chair.

The Chair: Thank you very much, Ms Horwath. One way we could address that issue—and I do recognize that caucus size does sometimes preclude members from being here, and I would agree that there seem to be a lot of committees that are active this week. But maybe in future, if there is a party who, for whatever reason, can't be here, we could try to time their selections at a time that they could be here. We need to be aware of that concern, but it's a good point.

Mr Tascona?

Mr Tascona: I'll be brief, Madam Chair, with respect to the first point by Mr Parsons with respect to the government committee members selecting an individual for an interview. There is nothing I was suggesting that was calling into question their ability to interview a member. All I was pointing out was the obvious fact that the orders in council, which emanate from the cabinet and are selected through the Premier, all of these appointments come through that process. These are orders in council, and all I was suggesting was the obvious fact that the government was interviewing someone who had already been screened by their own cabinet. I just wanted to point that out to the witness in terms of whether that concerned them. It didn't concern any of them, so I think it stands on the record. Thank you.

The Chair: Thank you very much, Mr Tascona. Mr Parsons, did you wish to make any additional points?

Mr Parsons: No. Mr Tascona has the right to be wrong, and I respect that.

The Chair: Do you know what? I'm glad that we had an opportunity to discuss these issues, which were all important to the individuals involved.

I want to thank everyone today for being here. There were 14 people who appeared before us. I think it is important that we do the due diligence that is required, so I thank you for your participation today. We will adjourn and notify you of the next meeting date. Thank you very much.

The committee adjourned at 1600.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 13 October 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 13 octobre 2004

The committee met at 1003 in room 228.

ELECTION OF CHAIR

The Vice-Chair (Ms Andrea Horwath): We're going to get started. Good morning, everyone. I'm going to take the opportunity to welcome you this morning and call the meeting to order.

As you know, there's a vacancy in the position of Chair of the committee. As a result, as Vice-Chair, I'll be presiding over the election of our new Chair. I'll get right to it and ask if there are any nominations for the position of Chair of the committee.

Mr Ernie Parsons (Prince Edward-Hastings): It is my pleasure to nominate Tim Hudak to chair this committee.

The Vice-Chair: Are there any further nominations? Mr Hudak has been nominated.

Ms Laurie Scott (Haliburton-Victoria-Brock): I'll second that nomination.

The Vice-Chair: Thank you, Ms Scott. It's not necessary, but we appreciate the seconding of the nomination.

Mr Tim Hudak (Erie-Lincoln): It scores a point in my book.

The Vice-Chair: There you go. There being no further nominations coming to the table then, I declare the nominations closed and declare that Mr Hudak is elected Chair of the committee.

Mr Hudak, I'll turn the chair over to you and we'll get started. Congratulations.

The Chair (Mr Tim Hudak): Thank you very much to my Vice-Chair and Mr Parsons for the kind nomination and members of the committee for their confidence in me, despite having known me for a year or more.

Interjection.

The Chair: Rest assured that I am at least backed up by a very competent and able Vice-Chair, if the Chair finds himself in trouble from time to time.

SUBCOMMITTEE REPORTS

The Chair: Members of the committee, I do have to confess that our hard-working clerk did kindly prepare a script for me to make me look good as I got out of the gate, which I then left on my desk in my office. The clerk, fortunately, has a backup copy.

Our first order of business is the report of the subcommittee on committee business dated Thursday, September 30, 2004. I'm looking for a member from the subcommittee to make a motion for its adoption.

Mr Parsons: I would move adoption.

The Chair: Mr Parsons moves adoption. Any discussion on the subcommittee report of September 30, 2004? Seeing none, all in favour of its adoption? Any opposed? The motion is carried.

The second order of business is a report of the subcommittee on committee business dated Thursday, October 7, 2004.

Mr Parsons: I move adoption.

The Chair: Mr Parsons is kind enough to move its adoption. Any discussion on the subcommittee motion of October 7? Seeing no discussion, all in favour? Any opposed? The motion is carried.

Thank you very much, folks, and thank you for the patience of our intended appointees gathering with us today.

INTENDED APPOINTMENTS

MADELEINE ALDRIDGE

Review of intended appointment, selected by official opposition party: Madeleine Aldridge, intended appointee as member, Ontario Judicial Council.

The Chair: We'll now move to the appointments review. My understanding, from where we left off last time, is that the third party will begin with any questions they may have, followed by the government and then the official opposition.

Our first interview is with Ms Madeleine Aldridge, an intended appointee as member of the Ontario Judicial Council. Ms Aldridge, you're with us here today? Welcome to our committee. Please come forward.

Interjection.

The Chair: Wherever you're comfortable. You've got four microphones that can pick you up. We have water and coffee available too, if you like.

As you may be aware, you have an opportunity to say a few words, if you choose to do so, to make an initial statement. Then subsequent to that, members of the committee, in rotation, will have a chance to ask you questions about your qualifications. As I mentioned, last time

we started with the official opposition, so the third party will commence the questioning today, and we block it off in 10-minute segments. Ms Aldridge, any statements you make comes from the government's portion of that 10 minutes. Please begin, if you choose to do so.

Ms Madeleine Aldridge: Good morning, everybody. I'm honoured to be before this committee and a little overwhelmed. I am generally required to speak about other people; I find it somewhat of a challenge to be asked to speak about myself.

As I was rereading and adjusting the details of my CV, which I think you have before you, I found myself considering the task faced by the committee when all they have to go on are bare facts and dates. It also occurred to me that there are a few seemingly odd diversions in my career path. So perhaps the best way to present myself is to expand a little on the CV.

I am obviously a teacher. I have taught primary, junior, intermediate, secondary school and adults. I am now involved with a subset in special education, which is known as language impairment. I specialize mainly in the teaching of English, with math and history as secondary subjects.

However, I think the most important aspect of my teaching career, as I see it, is that by far the majority of my experience has been in inner-city schools. Why, you might ask, do I think this is so important? All teaching involves decision-making, but in the inner-city environment these decisions tend to extend much further than curriculum and lesson planning.

The teacher in such a school is frequently called on to recognize and deal with family breakdown which, on occasion, extends to unofficially offering counselling to both sides of the family, apart from constantly keeping the situation in mind when you're interacting with the child.

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Awareness of monetary problems is also of paramount importance, especially where parents are too proud to ask for help when the family has run out of food or has insufficient money to provide winter coats etc. It's no small challenge to offer assistance in these cases without causing repercussions for the child, who's been warned not to let the school know of the dire home situation. This calls for a lot of hard decisions. There are countless other situations that occur on a daily basis, but I don't wish to belabour the point that, as society is moving away from traditional patterns, schools—which is really to say teachers—are assuming an ever greater role as decision-makers.

It is also worth mentioning that in the academic realm, all classroom teachers are involved in recommending students to be presented to individual program and review committees, better known as IPRCs. Special education teachers are, however, required to make recommendations at these review committees that have far-reaching effects on students' careers and are not made lightly. As all parents know, the power of a label when it is attached to a child can be devastating to the child and the family. Again, I don't wish to overemphasize the point, but I think it is useful to the committee to have outlined just how much teaching today is fraught with decision-making.

To move very briefly on to the career changes, my shift from banking to teaching is easily explained. I was very unhappy as a bank clerk and, as the saying goes, "Those who can do, those who can't teach." Never was a truer word spoken in regard to my banking experience. However, I hope this adage has not been true of my real teaching career.

My venture into managing a health spa was the result of moving to Alberta, where my husband was teaching at the University of Alberta. Alberta at that time would not accept either a British or an Ontario teaching qualification, thus I changed courses for a couple of years. Again, in this job, as a manager with a staff to supervise, there were fairly serious decisions to be made, not the least of which was the hiring, and unfortunately, sometimes the firing of staff. My recent teaching in Oxford as a supply teacher was also the result of adjusting to my husband's career.

Finally, I must admit that I have absolutely no personal experience of the law outside of being an avid reader of Rumpole of the Bailey. However, I hope these reflections on my CV have made it apparent that over the years I have been called on to make serious decisions and fully appreciate how important rational, unbiased decisions must be for a member of the justice council. I also trust that expanding on my CV has been somewhat useful in your decision-making today. Thank you for your attention.

The Chair: Thank you very much, Ms Aldridge, for your presentation. We'll begin any questions from the third party.

Ms Andrea Horwath (Hamilton East): I'm wondering if you can tell me a little bit about your involvement with the Liberal Party. Do you have a membership with the Liberal Party?

Ms Aldridge: I am a member of the Liberal Party, yes.

Ms Horwath: Do you donate regularly to the Liberal Party?

Ms Aldridge: I have donated to the Liberal Party in the past.

Ms Horwath: Thank you very much for that.

I'm wondering specifically in regard to the intended appointment—as you know, part of the role is to look at issues of judicial misconduct. I'm wondering if you have any experience in that type of role and particularly whether there are any kind of biases or thoughts you might bring to such a review of judicial misconduct.

Ms Aldridge: I obviously have absolutely no direct experience in that particular field, but as I said in my opening statement, I have a lot of experience making serious decisions which have repercussions; obviously not at the same level, but for the people who are involved, these are very serious decisions for the family etc.

Ms Horwath: Specifically around issues of bias, for example—perhaps there's an accusation of judicial misconduct where there's an accusation of bias, whether that be gender bias, racial bias, something of that nature—what would be your thoughts on how you would review such an accusation, such an allegation, and do you feel you have the background and competencies to review such an accusation and then come to a determination in regard to its efficacy?

Ms Aldridge: I would assume that if you're trying to be fair and just, whether you're reviewing a judge or a case for a child, you have to look at all the evidence before you. You have to look carefully at what is said by other people, what evidence there is that this would be true, and you would draw your conclusions based on what you can see and what you can hear, I imagine.

Ms Horwath: So then in terms of specific skills around the ability of assessing behaviour and seeing both sides of the story, you believe that your teaching career, as well as some of the other issues you raised during your discussion, are adequate to provide you with the kind of background you need for this very important position?

Ms Aldridge: Yes, I do, because as I pointed out, the decisions you're called on to make now—for example, I am at the moment involved with a family where I am almost being treated as the lawyer, the social worker and the teacher. In this situation, you have to guide the people to the right agencies and so forth. Every day there is something that comes up that you have to make a fairly snap decision on in this case, but I would say you have a lot of experience, yes.

Ms Horwath: No further questions, Mr Chairman.

The Chair: We'll go to the government members, who have five minutes as part of their time.

Mr Parsons: We have no questions, Chair.

The Chair: The official opposition: Ms Scott, any questions for our intended appointee?

Ms Scott: Yes, thank you, Mr Chair. Congratulations on your appointment.

The Chair: Thank you very much.

Ms Scott: Thank you for appearing here before us today, and I appreciated your background. Certainly teaching does involve a lot of decision-making and assessing of human behaviour. Also, in addition to the public members of the board which you may be part of, there are judges. Sorry, my voice is a little off today. So there may come a time when you're considering an appointee and you would disagree with the judges on the panel in terms of the appropriateness of the potential nominee. How comfortable would you feel expressing these opinions, say, to the Chief Justice of Ontario, the Chief Justice of the Ontario Court of Justice and the other judge members? After all, they are judges and they have a lot of experience in that. Do you feel comfortable in being able to state your case to them, whether it's in opposition or feedback?

Ms Aldridge: I hate to say, but I probably would. I do tend to speak my mind, and I have in many situations, so I think I would. I don't see it as having any repercussions for me, for example. I mean, I speak my mind. What I say is what I say and what I believe is what I believe, and I will say so.

Ms Scott: OK, because it can be quite an intimidating—

Ms Aldridge: Yes.

Ms Scott: You look a very strong-willed character. That's fine. That's great.

Part of the responsibility is reviewing the conduct of the judges. Can you give any examples of when you feel that a judge may be removed from the bench? Can you think of any situations of judicial misconduct that may occur, which you're going to have to deal with?

Ms Aldridge: I would assume one could only categorize them and say racial discrimination, sexual discrimination, gender bias and so forth. I would imagine you would have to categorize them under serious racial slurs and, as I say, sexual innuendos or whatever. Obviously, if it was involving criminal acts, that would be quite different too; right? If we were talking about fraud in personal life, I think that would have to be taken into account as well. I assume it would have to be a very serious matter to consider that.

Ms Scott: Have they given you much background on what would be involved in reviewing, how much information you would get in the reviewing of a judge's misconduct?

Ms Aldridge: No. I really have very little idea about what the input would be. I have assumed that you would be well briefed and that you would be given time to read whatever is involved. I think that would only be fair. You couldn't ask somebody to sit on a panel that was going to make a decision without having the background knowledge.

Ms Scott: I don't know either. I was just hoping, as you are, assuming that they would give you lots of background.

Thank you for appearing here today. I have no further questions.

The Chair: Ms Aldridge, thank you very much for your presentation and your response to our members' questions. The tradition here, as you may know, is that members vote on appointments after they're done with the interviews. So feel free to stick around, tour the Legislature, go sit in question period, whatever you want to do, make yourself comfortable and we'll get back to you probably in about one hour's time. We appreciate your coming to see us.

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LORETTA JEAN HENDERSON

Review of intended appointment, selected by third party: Loretta Jean Henderson, intended appointee as member, Workplace Safety and Insurance board of directors.

The Chair: Do we have Loretta Jean Henderson joining us today? Welcome to our committee. I also welcome Mr Baird who has popped his head in.

Mr John R. Baird (Nepean-Carleton): Congratulations.

The Chair: Thank you very much, sir.

Ms Henderson is an intended appointee as a member of the Workplace Safety and Insurance board of directors.

Ms Henderson, if you'd like to grab a drink, please feel free to do so. There you go. You're on the ball. If you'd like to make any kind of statement, you're welcome to do so. Subsequent to that, as you have seen, members will have an opportunity to ask you questions regarding your qualifications and the appointment. We'll begin those with the government members, followed by the official opposition and then the third party. The floor is yours.

Ms Loretta Jean Henderson: Thank you very much, and I thank all of you for the opportunity to present my credentials in support of my application for the position of director on the Workplace Safety and Insurance Board board of directors.

I am presently a retired lawyer and still a member of the Law Society of Upper Canada. I attended law school as a mature student, graduating at the age of 40. In my earlier years, I graduated from Toronto Teachers College and taught for five years, four years in Toronto and one year in London, England.

When my children were of school age, I was employed as a court worker for the Protestant and Catholic children's aid societies for seven years.

I have worked with workers' compensation legislation since 1985 as a director for a provincial and interprovincial trucking company. In the two years of employment, I was fortunate to attend several seminars explaining the Workers' Compensation Act. When the company was sold, I made the decision to launch my legal practice specializing in acting for employers in all workers' compensation matters.

In my 11 years of practice, I presented seminars and workshops across the province to educate employers about their role and obligations under the act. I was the first lawyer in the province to earn the designation of specialist in workers' compensation law from the Law Society of Upper Canada.

In 1999, when I stopped practising, I was acting for 240-plus companies across the province. My corporate clients represented various industries in the province, including automotive, tool and die, plastics, automotive tier 1, food, education, municipalities, police, casinos, hotels, trucking and construction. Shortly after my retirement, I was appointed to the Workplace Safety and Insurance Appeals Tribunal as a vice-chair. In the some four years in that capacity, I rendered 200-plus decisions and attended all areas of the province to hear these appeals.

In the past 18 years, I feel I have had the unique opportunity of representing corporate stakeholders in thousands of cases. As well, I have also had the opportunity to review cases from the appeal tribunal level. I believe all of those experiences will be an asset to the board of directors of the Workplace Safety and Insurance Board.

I'm happy to take your questions.

The Chair: Outstanding. Ms Henderson, thank you very much. To the government members, Mr Parsons?

Mr Parsons: No questions.

The Chair: Ms Scott, 10 minutes for your time.

Ms Scott: Thank you for being with us here today; a very impressive CV. You're currently the vice-chair on the Workplace Safety and Insurance Appeals Tribunal?

Ms Henderson: No, ma'am. I retired in January of this year.

Ms Scott: OK. I missed that. You have quite a bit of experience, so you're already familiar with the conflict-of-interest rules, because you're still going to serve as counsel to Roberts—

Ms Henderson: No, that's actually a mistake. I also resigned from that position in January.

Ms Scott: OK. Do you see any conflicts of interest with your past experience as a counsel there and the new job now? Do you see any conflicts, being on the other board before? Was there anything before that was conflicting?

Ms Henderson: When I was at the tribunal, there was a two-year time period where I was not allowed to sit in Windsor. I gave a list of all the corporations I had ever acted for to the tribunal and they were vetted before I was assigned cases. There were approximately three times in the four years when I got a case to review that I was supposed to sit on that I found that I had acted on. I immediately advised and I did not sit.

Ms Scott: So that would be the same procedure you would follow in this case if there are any conflicts that arise?

Ms Henderson: There should not be, but if there are, I would certainly bring it to the attention of the board. But I doubt there will be.

Ms Scott: This is a part-time appointment?

Ms Henderson: Correct.

Ms Scott: How much time do you think you're going to have to devote to that?

Ms Henderson: My understanding is two or three days a month.

Ms Scott: And how much is the remuneration or pay?

Ms Henderson: I understand it's $275 a day.

Ms Scott: OK. We have no problem with your qualifications. Thank you very much. I have no further questions.

The Chair: Now to Ms Horwath. You have 10 minutes.

Ms Horwath: I want to talk a little bit about your experience in this field and specifically about your opinions of some of the methods that are used to determine whether in fact employees are injured. I'm wondering about things, for example, like how an employer might go about trying to determine the legitimacy of a worker's injury and whether you have any experiences in that regard in your previous employment.

Ms Henderson: Obviously, the worker has a set procedure to go through in order to have his or her claim accepted. If all of those are in order and the medical is in order, then there's no reason to challenge it. There would only be a reason to challenge if the case was lengthy and the diagnosis did not support a lengthy situation. At that point, we would look at it.

Ms Horwath: Are there any proactive activities that employers or the board should be looking at in terms of trying to determine the legitimacy of a claim?

Ms Henderson: When you say "proactive activities," I'm not clear what that is.

Ms Horwath: I'm just thinking of some of your previous work as an employer representative. You talked a little bit about some of the workshops and the advice you've given employers over the years. Was there any time when you've advised employers or you've suggested or in fact represented employers in encouraging the surveillance of workers who have workers' compensation claims?

Ms Henderson: Yes, there have been cases.

Ms Horwath: Can you describe exactly the circumstances of when it's appropriate to surveil workers who have made workers' compensation claims?

Ms Henderson: It would be if there has been evidence in the file of reports to the board indicating that this person is much more capable or was seen doing various acts that physically they were apparently not able to do.

Ms Horwath: So if someone, for example, has a grudge against a worker and wants to make that claim, you think it's appropriate on some kind of a third-party observation to begin a process of surveilling a worker?

Ms Henderson: I certainly would not act on someone's grudge. There would need to be more information. You may have reports to the board, but you also look at the medical, the length of time, the worker's background etc. All of those come into play. I would never indicate, "Fine, we'll just surveil everybody." That's not the case.

Ms Horwath: Can I ask just one last question on the surveillance issue? In terms of methodology for surveilling a worker, do you think it's appropriate to videotape workers to determine whether, in the opinion of the employer or yourself as the employer's rep, their injuries, through a layperson's perspective, match their medical records?

Ms Henderson: In some cases, yes, but they would be done according to specific guidelines that the court would accept as proper evidence: They would never be on private property, they would not infringe on any type of privacy, they would all be done in public places etc.

Ms Horwath: So just following on that, wanting to move into the issue of the privacy of the worker, I'm wondering if you can tell me what your position is in regard to exactly that issue, the privacy and protection of medical records of a worker.

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Ms Henderson: Well, the only records the employer can receive are records pertaining to the actual medical problem arising from the work injury. The employer has a right to that. Then he has the right to the medical note indicating what the worker's abilities are at that point in time so he can establish what kind of work of a lesser nature he can provide to the worker if the doctor approves that. I don't believe an employer or anyone should have any other information.

Ms Horwath: Do you believe, in regard to medical information of an employee, of a worker, that there's an obligation or in any way a requirement that the employee provide doctor's records to the employer? I guess what I'm getting at is that there's some evidence in cases you've been personally involved in that the employee was given a permission form inappropriately or with misleading information from yourself, as an employer rep. The employee was basically inappropriately coerced into giving information that was not necessary, particularly around medical records. I have the case file.

Ms Henderson: I'm not aware of that. If you'd like to tell me the case—

Ms Horwath: Yes, it's decision number 968-90R. It indicates here that a letter you sent to a doctor was misleading in regard to the release of medical information that the employee had not given permission for. Can you explain to me how that could happen?

Ms Henderson: That was a letter sent—is it a Dr Anderson in there?

Ms Horwath: I don't have the name of the physician on the report.

Ms Henderson: It was a letter asking the doctor to provide the worker's limitations. It was not anything about past history. The employer was trying to get the worker to come back to work and the employer did not have his physical limitations. That was the extent of it.

Ms Horwath: My understanding is that that's not the decision that was rendered. It wasn't supportive of what you're saying now. In fact, there were some concerns around the worker's right to privacy and the protection of medical records. I'm just wanting to make sure that you understand that there are some real important, fundamental issues of privacy that need to be determined, particularly if you're to be appointed to the board.

Ms Henderson: I understand that.

Ms Horwath: I have no further questions, Mr Chairman. Thank you.

The Chair: Thank you, Ms Henderson, for your presentation and your responses to the members' questions. As you probably know, we move to concurrence probably in about 20 minutes to half an hour from now on our appointments today.

JILL HUTCHEON

Review of intended appointment, selected by official opposition party: Jill Hutcheon, intended appointee as president, Workplace Safety and Insurance Board.

The Chair: Our third interview is Jill Hutchinson. Ms Hutchinson has joined us here today. Welcome to our

committee. Sorry, Hutcheon; my apologies. That's why we have the researcher here. He's done his homework.

Ms Hutcheon is an intended appointee as president of the Workplace Safety and Insurance Board. As you know, Ms Hutcheon, you are free to make a presentation about your qualifications for the appointment as you see fit. Then we'll begin any questions members may have, beginning with the official opposition, the third party, and then the government side. Ms Hutcheon, the floor is yours.

Ms Jill Hutcheon: Thank you. Good morning. My name is Jill Hutcheon, as we've already discussed. Thank you for the opportunity to come and speak to you today. I understand I do have a few moments to introduce myself, so I will be brief as I believe you've received my biography.

I've been a proud member of the Ontario public service for just over 30 years. I've had the pleasure of working in a number of ministries since I started my career in 1973. The ministries in which I served include the Ministry of Correctional Services, the Ministry of Community and Social Services, the Ministry of Health, and the Provincial Secretariat for Social Development where I was provincial coordinator for group homes and then the provincial coordinator for the office of disabled persons. Following this, I was the director of policy at the Ministry of the Solicitor General, assistant deputy minister at the Ministries of Skills Development and Education, executive director at the Royal Commission on Learning, acting Deputy Minister of Education and the assistant deputy minister of the road safety division at the Ministry of Transportation and the Registrar General of motor vehicles, Ontario.

In these various roles, I gained extensive experience and knowledge of policy, legislation, communications issues, management and large-scale operations. My interests and experiences are very broad-based and corporate. As an example, while I was at the Ministry of Transportation, I had responsibility not only for the operation of enforcement services across Ontario but the development of policy and legislation to enhance road user safety, including commercial vehicle safety and anti-drinking-and-driving measures, and for regulating and managing driver and vehicle services offered through public offices and private issuers. In addition, I led the Ministry of Transportation's kiosk initiative, which was a forerunner to Service Ontario.

I was also appointed to the Civil Service Commission and the executive development committee, which was responsible for managing human-resource-related issues in the Ontario government. I was president of two federal-provincial bodies: the Canadian Council of Motor Transport Administrators and the Canadian Association of Administrators of Labour Legislation.

I want to say that I'm very committed to the public service. I'm a consensus-builder who believes in dialogue. I believe in fairness in process, and openness, transparency and balance. I'm proud of my service in the OPS.

In 1999, I accepted the position of Deputy Minister of Labour and while at the Ministry of Labour my passion for health and safety issues was reinforced. With many of the initiatives I was involved with in the OPS, I was guided by the need to protect the health and safety of individuals, whether it was in the workplace, in the community or on the roads of Ontario.

When I was approached by the WSIB to take on the role of vice-president of policy and research, I saw it as an opportunity for me to further my dedication to the health and safety agenda, an opportunity for me to make a difference in the workplaces of Ontario. Shortly after my arrival at the WSIB, I assumed the duties of chief corporate services officer and last March I was named interim chair of the organization.

The WSIB is a trust agency, but the same principles that I applied to my service in the OPS are the same principles that guide the WSIB and me today. Our job at the WSIB is to help the people.

I want to say that I'm extremely proud of the employees of the WSIB. They are extremely dedicated and professional.

Thank you for the opportunity to say those few words.

The Chair: Thank you, Ms Hutcheon, for the presentation of your sense of background. Beginning with Ms Scott, any questions for the intended appointee?

Ms Scott: Thank you, Ms Hutcheon, for appearing before us today and the background that you've given us. You mentioned you're currently interim chair of the Workplace Safety and Insurance Board.

Ms Hutcheon: Yes.

Ms Scott: That is a short-term appointment that we, as a committee, did not get a chance to review. Do you know when that term may end? Has there been any indication?

Ms Hutcheon: Sorry, could you repeat that?

Ms Scott: When would the interim chair appointment end?

Ms Hutcheon: It began in March and it didn't have an end date on it.

Ms Scott: So you don't know. They haven't given you any indication how long it's going to be?

Ms Hutcheon: No.

Ms Scott: Interim is usually less than a year, am I correct on that? OK. So if this goes through, you'll be chair and president, both?

Ms Hutcheon: I would assume that there would be an appointment of a permanent chair.

Ms Scott: But nothing that you've heard of a chair replacement? Right now you're still the chair?

Ms Hutcheon: Yes, interim chair.

Ms Scott: I think that's a year. I'm not sure. Less than a year? Interim? OK, we still don't know for sure.

It's a rather important board and, because we didn't get a chance to bring you before the committee before, we're happy that we have this opportunity for you to appear before us today.

We'll go back to the disturbing trend that has occurred with the short-term appointments allowed in the standing

orders, which allow board members to continue functioning when there are specific requirements for a quorum that must be met before a board is properly constituted. The government has taken to using this rule to make important appointments of board chairs in a way that avoids public scrutiny; no regard to your ability at all, just the process that the present government has been undertaking.

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Having said all that, I had some questions about your intended appointment as president. I think they will probably cover some of your responsibilities now as chair. What goals do you see for the future of the WSIB? You have a very impressive background and look more than qualified. For example, right now the board spends about 20% of all premium revenue on administrative costs. Do you have any plans to possibly reduce that?

Ms Hutcheon: If you want me just to take a few minutes, then, to talk about vision and goals—

Ms Scott: Sure, if you wouldn't mind, please.

Ms Hutcheon: I think the WSIB is very committed to five fundamentals, which we adopted a couple of years ago, which deal with that issue partly. Of course, the most important fundamental is having the healthiest and safest workforce in Ontario. We're doing a number of things to support that initiative, which would continue, of course. That's working more closely with the Minister of Labour on his action groups and supporting the work that's happening around increased inspection of high-risk employers, and we're looking for several new prevention breakthroughs.

Our second fundamental of customer satisfaction is one that we hold very dearly. We have been able to increase customer satisfaction over the last several years. We do that by having a very effective service delivery model, which we are now in the process of looking at to make sure it is as efficient and effective as it can be.

Secondly, we're looking to change the nature of our relationship with stakeholders. Both employer and injured worker stakeholders have indicated to us that they would like to play a much more important role in the work that happens at WSIB, and so we'll be moving forward on that in the next several months.

I think that a third fundamental, of course, is early and safe return to work. We're moving forward right now with quite an aggressive program to enhance what we do through our service delivery teams and through our front service desks to be able to deal with that issue and to deal with labour market re-entry within that. Of course, what we want is to get durations of claims down so that people can return to work.

The fourth fundamental is around financial sustainability. On this front, we're talking about financial sustainability in terms of the workforce and working on the underground economy issue, but what we want to do with our own organization is to review our health care investments to make sure we've made the right investments and to continue to provide a very high level of health care, but to get it a very affordable price. So we'll be looking at a number of initiatives to support that and, of course, looking at our own administrative costs.

We feel that we're going to set a very aggressive target for 2005. That has been accepted across the entire organization. It will be a three-year process, which, again, is based on continuous improvement but looking for very different ways of doing things and creating the kind of cost effectiveness we need to do within the organization. So that work is under way, in terms of our business planning process for next year.

The fifth area that builds on the vision is one called Building on Success. Building on Success is really about more effective partnerships and program reviews we've already begun that look at how we perform services, how we fund them and how we can improve them, issues such as strategic sourcing being one of those.

Of course, we're also looking at occupational disease and the response strategy we have in place with that now.

I think that gives you a sense of the five fundamentals we're working with. We've outlined initiatives under each one of those areas.

Ms Scott: Can you give me an example of an occupational disease? Could you give me an example of a case like that, of retraining or re-entry? I'm trying to think of a disease to give you. You might have one that comes to mind.

Ms Hutcheon: In terms of occupational disease, there are many related cancers.

We work on three fronts. One is the prevention of disease. We're very active in workplaces, looking at safe workplace practices. We're out in the community meeting on a clinic basis in several selected communities in Ontario. We're also looking at improvements we can make to the adjudicative process so that it's more time-responsive. We have also been looking at the scientific and legal principles that help to inform the adjudicative process. So through a whole series of initiatives we're dealing with issues like cancer in the workplace.

Ms Scott: Would that apply to working with hospitals? Nurses working with chemotherapy drugs that may have a correlation with increased rates would fall into that?

Ms Hutcheon: Yes. We have at St Michael's Hospital a specialized clinic in which we look at occupational disease. We are also working with universities on the champion program, so that more medical and health-related personnel can get training and development during their university years, which will help them in terms of recognizing occupational disease. We're very much trying to work in the health care field as well.

Ms Scott: I'm just about out of time. Do you know how much you will be earning in this dual role as president and chair? Have they given you any idea of the salary?

Ms Hutcheon: The proposed salary for the president is $300,000.

Ms Scott: As chair right now, are you receiving—

Ms Hutcheon: No. I'm being paid at the level I was paid as chief of corporate services.

Ms Scott: Which was?

Ms Hutcheon: Two hundred and forty-three thousand.

Ms Scott: So at this present time, it could be a combined income of those. If you're accepted as president, would it be—

Ms Hutcheon: The proposed is $300,000.

Ms Scott: OK. You don't know if the chair would be paid on top of that?

Ms Hutcheon: No.

Ms Scott: For sure, no?

Ms Hutcheon: I assume it would be.

Ms Scott: We don't know for sure?

Ms Hutcheon: No, because I think the intention is to appoint a permanent chair.

Ms Scott: All right. Are there any additional bonuses in your contract that you could qualify for that you know of?

Ms Hutcheon: The WSIB has, for senior executives, a bonus system that's been in place, I guess, for about 10 years now.

Ms Scott: How does that work, just quickly?

Ms Hutcheon: The fundamentals I listed for you here all have initiatives attached to them. The team, as a whole, must achieve results on every single front, and based on being able to do that on every single front, the board of directors would then decide an amount of additional money that could be earned by each one of the senior management positions. We'll be reviewing that as the year goes ahead.

Ms Scott: Thank you.

Ms Horwath: Just a couple of questions; in fact, one particularly around the issue of occupational disease that you were already speaking about with Ms Scott.

Workers in the province have called for the province to actually put together a database that tracks cancer, for example, by occupation. You probably know the suggestion is that there are probably up to 2,000 claims annually that could be made just with cancer as an occupational disease to the WSIB. Do you have any opinion on that, on whether or not the province should be looking at tracking cancer through the occupational incidence of cancer on a province-wide basis?

Ms Hutcheon: I don't have any details with that one. I do know that we had one meeting to talk to the OFL about that, and others had an interest in it. I believe there has been one subsequent meeting where staff have shared what we currently do and what we might be able to do. I'm not sure it's exactly what you're talking about, but I think it takes us part of the way there to what we need to do. My last briefing was that people were in the midst of still discussing this. This was at an early stage, so I would expect to be briefed on it shortly.

Ms Horwath: OK. As you can imagine, having a field of data that indicates certain occupations are cancer-causing, you start to build up the evidence that in fact it's occupationally caused as opposed to case-by-case incidences.

Ms Hutcheon: I think it's further supported by the type of research that needs to happen. We also have a centre for expertise now, located at the University of Toronto, which will actually be looking at this issue in much more detail.

Ms Horwath: I just want to talk a little bit about your experience with the previous legislation and the legislation that was brought in in 1997. In particular, I was interested in your comments at the beginning of the interview when you talked about some of your history with the disability community, for example. I'm wondering about two things in particular. Do you think that the current legislation adequately balances the interests of the employer and the worker, particularly around issues of returning to work and the impetus on the worker to get back to work as the goal, as opposed to necessarily the well-being of the worker in those situations?

1050

Ms Hutcheon: I think our role at the WSIB is to administer whatever legislation has been approved by whichever government. We certainly are doing our very best, based on that legislation, to ensure that we have very strong return-to-work policies, and I think a lot of work is happening on that front. We believe that we have put in place both best practice and evidence as a way of being able to deal with return to work, as an example. We also realize there are other improvements we might want to make. But from a policy perspective, I would leave it up to the government to pass whatever legislation and then for us, hopefully, to administer it in the best possible way.

Ms Horwath: So you don't see your role as chair to in any way inform that discussion or that debate that the government might have in regard to legislative change?

Ms Hutcheon: I've been nominated to be president. The president's job, which we're talking about today, I assume, is one where I would be in an administrative role. I couldn't preclude what a new chair or a board might want to discuss on that issue.

Ms Horwath: Do you have any opinion on the requirement or the necessity, perhaps, of moving more in the direction of previous legislation which required inquiries on every workplace death? I know that injured workers' groups are very concerned that there really should be full inquiries on every incident of a workplace death. Do you have any opinion on that?

Ms Hutcheon: Sorry, I missed that word—

Ms Horwath: Where there's a death in the workplace, there should be a full inquiry.

Ms Hutcheon: Oh, a full inquiry.

Ms Horwath: In every instance.

Ms Hutcheon: Again, I think that's something that's determined through the legislation.

Ms Horwath: You have no opinion on that at all?

Ms Hutcheon: No, I don't.

Ms Horwath: Do you have any recommendations at all, then, for any changes you think should occur at the WSIB?

Ms Hutcheon: I've talked about the five fundamentals and the areas that we're working on. These are areas that both employers have indicated to us are very important and which injured workers have indicated to us are very important to continue. Of course, we meet on a regular basis with injured workers. I think we have a very good understanding of their issues. We continue to work with them on a number of fronts, and with employers. If you need more detail on the initiatives, I can give them to you. But they are all geared to making sure that in the future we don't have incidents of injury and death, and that where we do have injury, we return workers in a safe and healthy condition to their workplaces.

The Chair: To the government members.

Mr Parsons: No questions.

The Chair: No questions on the government side.

Ms Hutcheon, thank you very much for your presentation. You did, however, I think avoid an important question. In your extensive work in the OPS, you didn't name your favourite deputy minister, your favourite ministry. But thank you very much for your presentation.

Ms Hutcheon: Thank you.

The Chair: Before I move to concurrence of our three intended appointees today, I apologize. Ms Scott directed a question through the Chair—I didn't realize I had to answer questions—with respect to the definition of "interim." The researcher is prepared to respond to the definition of "interim."

Mr Larry Johnston: My understanding is that an interim appointment is one that is some period less than a year, up to a year less a day.

Ms Scott: I just wanted to confirm what it is.

Mr Johnston: I couldn't say exactly what it is in this case, but that's normally the case.

Ms Scott: Thank you for that clarification.

The Chair: Thank you, sir. You were right, Ms Scott.

The interviews are now completed, so the committee will now consider the intended appointment of Madeleine Aldridge, intended appointee as member of the Ontario Judicial Council. Anybody to move concurrence?

Mr Parsons: I would move concurrence.

The Chair: Mr Parsons moves concurrence. Any comments from members of the committee? If not, we'll proceed to the vote. All those in favour of Ms Aldridge's appointment, please raise your hand. Any opposed? It is carried. Congratulations to Ms Aldridge on her appointment to the Ontario Judicial Council.

We will now consider the intended appointment of Loretta Jean Henderson, intended appointee as member of the Workplace Safety and Insurance board of directors.

Mr Parsons: I would move concurrence.

The Chair: Mr Parsons moves concurrence of Ms Henderson. Is there any discussion on this appointment? Seeing none, all in favour of her appointment, please raise your hand. Any opposed? It is carried. Congratulations to Ms Henderson. Very dramatic, eh?

We will now consider the intended appointment of Jill Hutcheon, intended appointee as president of the Workplace Safety and Insurance Board.

Mr Parsons: I move concurrence.

The Chair: Mr Parsons moves concurrence. Is there any discussion on Ms Hutcheon's proposed appointment? Mr Peterson? No discussion. Any discussion? Seeing no discussion, all those in favour of the appointment, please raise their hands. Any opposed? Thank you very much. Congratulations to Ms Hutcheon on this very exciting appointment as president of the Workplace Safety and Insurance Board.

COMMITTEE BUSINESS

The Chair: Before we adjourn, I have an item to report back on, I understand, from the committee's discussion of Wednesday, September 29. They wanted the Chair to send a message to Mr Duncan in his capacity as government House leader and to copy the official opposition's and third party's House leaders with respect to the contents of those discussions. I think the clerk has sent around a draft of my intended correspondence for your interest. I wasn't here, obviously, as the Chair, but I've been assured that this reflects the discussion. Everybody OK with that?

Ms Scott: The letter is fine, but just to go back to Hansard, I think Mr Tascona—I wasn't at the meeting—had also asked for the clerk to do some research?

The Chair: We do have a report on that. We'll get to that right after.

Ms Scott: Perfect.

The Chair: All right. I will then sign the official correspondence and send it on to the respective House leaders and those who are cc'd on the letter.

Ms Scott brought up a point. We had a request through the Chair from Mr Tascona on September 29 with respect to the types of appointments that the government may appoint and the process. The hard-working Larry Johnston has been at the word processor and has a report that has been distributed to members, I think, at their desks as they arrived, Mr Johnston?

Mr Johnston: Yes.

The Chair: Yes. Members do have that report for their consideration, and we could discuss that report later on if you so choose.

Any other business before the committee for today's meeting? Seeing none, thank you very much, folks. We are adjourned until our next meeting, which is next Wednesday, October 20, at 10 am.

The committee adjourned at 1058.

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Wednesday 20 October 2004

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Mercredi 20 octobre 2004

Standing committee on government agencies

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 20 October 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 20 octobre 2004

The committee met at 1003 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mr Tim Hudak): Good morning, folks. We will call the standing committee on government agencies to order for our Wednesday, October 20, 2004, meeting.

Our first order of business is the report of the subcommittee on committee business dated Thursday, October 14, 2004. I believe members have been provided with a copy of the subcommittee's minutes. Can I have a member to move the adoption of the subcommittee's report?

Mr Lorenzo Berardinetti (Scarborough Southwest): I move adoption, Mr Chair.

The Chair: Any discussion on the subcommittee report? The member for Brant is smiling. He enjoyed reading his subcommittee report.

Mr Dave Levac (Brant): I'm excited.

The Chair: All in favour of adopting the report? Any opposed? She's carried.

COMMITTEE BUSINESS

The Chair: Before we move on to our intended appointees today, is there any other business the members have?

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I have a matter or two that I'd like to discuss. I've got a correspondence from yourself dated October 13, 2004, addressed to the Honourable Dwight Duncan, government House leader. It reads as follows:

"At a meeting of the standing committee on government agencies on Wednesday, September 29, 2004, a discussion was held on a number of issues related to the operations and mandate of the committee.

"These discussions included:

"(1) the issuance of press releases regarding proposed appointments prior to the issuance of the certificate of intended appointments.

"(2) the types of appointments that can be made by the government, and which of these procedures would actually involve a review by agencies, boards and commissions.

"Please refer to the discussions on page A-197 of the enclosed Hansard transcript."

I've got the other one there, but just to continue:

"Members of the committee have indicated a wish that the subject of these discussions be communicated to the House leaders and to the Public Appointments Secretariat with respect of any review of the committee's mandate.

"On behalf of the committee members, I am transmitting a copy of the committee's proceedings for your review.

"Sincerely,

"Tim Hudak, MPP

"Chair."

Have you received a response to that?

The Chair: We have not yet received a response.

Mr Tascona: Is there any reason why there wouldn't be a response to the committee? This is October 20.

The Chair: It's one week, yes.

Mr Tascona: I'd just like to put on the record that the government House leader has not responded to the committee Chair's request.

I want to follow up on that with respect to this. I also received, after I had requested—and this may have prompted the letter by the Chair. I had asked Larry Johnston, the research officer, through Susan Sourial, for a memorandum to the standing committee on government agencies, which was done and done quite well, Larry. The subject was background on appointments. I think everyone received a copy of that. It was October 13, 2004, and it set out very clearly that the mandate of the committee on government agencies is limited to new appointments for more than a year approved by cabinet. Those are order-in-council appointments. Reappointments and appointments for less than a year are not subject to review by the committee, nor are non-OIC appointments, namely those by ministerial letter. This research memorandum shows the agencies which are appointments by ministerial letter at the prerogative of the Premier. All other agencies are filled by the OIC appointments.

In this research, which, as I said, was very well done, it sets out the different ministries and the number of agency appointments that are done by ministerial letter, and they're quite extensive. This committee, in my opinion, is not functioning the way that it can. It should be able to function in a more transparent way. I think the government had committed as a promise before the last election that they would bring transparency into government processes. It's obvious through this that we're not, because we're not reviewing near the number of appointments that are going through.

Those are the standing orders. I understand those are the standing orders that were set up under government consultation previously with the House leaders. I think Dwight Duncan was a part of that. But I think there is time for a change in this and that's why I put this forth, and I'm glad the Chair followed up on it.

What I want to wait for—and I'm prepared to wait one more week for a response by the House leader. In that regard, I want the committee to consider very seriously—I know there are serious minds across the way: Lorenzo Berardinetti, Dave Levac, David Orazietti and Monique Smith—about whether we want to make this committee something that's relevant in terms of the appointments process. I don't think we're as relevant as we can be. This will be open for discussion. But the Chair has put it out to the House leader. I think it's important that we consider as a committee whether we want to expand our mandate, and we want to do that through the House leaders in a co-operative manner. There are three areas we do not cover right now, which are reappointments of OICs, appointments for less than a year that are OIC appointments through the Premier, and we do not cover at all any ministerial letters.

In terms of transparency, I think that's something this committee should consider very seriously. I'm prepared to bring a motion from this committee going to the House leaders when they do the standing orders review, and they're going to be doing that. They've indicated they're going to be reviewing the standing orders, and I think that has to be a part of it.

1010

I'm putting this out, in a way. I went through Larry Johnston for a background on the appointments, so everybody knew what the jurisdiction of this committee was. In terms of making us relevant and making this a more transparent process for all the appointments—that's what this committee is called. It's called the standing committee on government agencies, and we're only reviewing perhaps 60% of the government agencies, when that becomes a permanent appointment.

I want to bring that out to the floor. I don't want to delay the proceedings any further. Come the next meeting, or in a week when we haven't got anything, I think we're going to have to raise this and discuss it further. I think it's important.

I know Dave Levac was with me when we did the 50th Commonwealth annual conference, and we were discussing matters in terms of how they work at that level. I think it's important in terms of what the process is. That's what it's about: the process. What we're talking about here is the process of making it relevant.

Mr Levac: I thank Mr Tascona for his comments. I'm sure that a one-week turnaround time is not the norm around this place in terms of hearing from the House leader, but I'm sure that we're going to hear from the House leader.

I would also suggest that we move along. There are people who have come from a long way. We were supposed to start at 10 o'clock for the review of the appointments, and I would suggest we could continue the debate through the Chair, since you've written to the House leader. Then, if there are concerns after that, we can deal with them as Mr Tascona has outlined.

The Chair: Any other comments from members of the committee?

Mr Tascona: I feel comfortable with that, being that's from the government whip.

Mr Levac: It'll happen.

The Chair: Thankfully, we've got the heavy hitter today at committee to sit with us.

Anything else, folks, before we move on to the intended appointments?

Mr Tascona: Make it happen.

The Chair: Very good. Thank you, folks. No other items of business today?

INTENDED APPOINTMENTS

The Chair: We'll move on to our next item of business. That will be the appointments review. We thank our guests who have come in from various distances today.

Generally these sessions take about 30 minutes each, sometimes shorter. Each of the three parties has an opportunity to ask questions, and those who are intended appointees have the opportunity to present a bit about themselves, a bit of background, and to describe their views on the particular agency that they will become part of, if passed by the committee. Any time that they take is taken out of the government's time.

MARSHA FARNAND

Review of intended appointment, selected by third party: Marsha Farnand, intended appointee as member, Social Benefits Tribunal.

The Chair: Our first interview is with Ms Marsha M. Farnand, the intended appointee as a member of the Social Benefits Tribunal. Ms Farnand is with us today. Make yourself comfortable. We have some refreshments to either side of you. You're welcome to make any opening comments, as you see fit. We'll begin our questions with the third party today, according to our traditional rotation. The floor is yours.

Ms Marsha Farnand: Thank you. I do have an opening statement, which I will just read. Good morning, Mr Chair and ladies and gentlemen of the standing committee. Thank you for inviting me to this forum to further discuss my experience, qualification and skills as an intended appointee of the Social Benefits Tribunal.

I have been a front-line worker in the Ontario public service since 1992, and in this time have held several positions and have performed a variety of duties while servicing a diverse client base. I have appeared before the Social Benefits Tribunal on numerous occasions as a representative of the Ministry of Community and Social Services in my current position.

As a case-presenting officer at the disability adjudication unit, my primary responsibility is to present cases

to the Social Benefits Tribunal by delivering oral submissions, responding to evidence and cross-examining appellants with respect to compliance and/or eligibility for the Ontario disability support program. In this capacity I have further developed the ability to exercise analytical, interpersonal and communication skills in responding to new medical evidence provided in hearings, and dealing with sensitive emotional and confidential matters regarding an appellant's physical and/or mental impairments.

My oral and written communication skills, specifically related to legal and medical terminology, have proven to be an asset in explaining procedures and policies to appellants and their representatives, conducting investigative interviews and also in preparing correspondence, writing case summaries and interpreting complex legislation. This position demands a high level of organization, an ability to prepare and maintain accurate, complete reports and records, the ability to apply the principles of natural justice within an administrative law context, and the initiative to develop and coordinate methods of effective case management.

This job has been extremely interesting and rewarding in many respects. The goal is always to ensure that the intent of the law has been carried out. Unlike the disability determination adjudicators, who make the final decision, the case-presenting officer has the opportunity to hear testimony of the appellant, and assumptions can be clarified and questions can be answered. Similarly, the appellant is able to receive an explanation of a decision in layman's terms and receive direction and information from the ministry's representative.

Oftentimes appellants are not represented at hearings and are intimidated by the process. It has always been my practice, if possible, to brief an appellant on what my role is as the ministry's representative prior to the hearing. I have found that by introducing myself not only as the person who is presenting the ministry's case but also as a person who is at the hearing to provide information, interpret legislation in terms appellants can understand and explain the decision of the director, the appellant is more comfortable with the hearing process.

Individuals in receipt of, or applying for, social assistance count on staff to be non-judgmental, knowledgeable and, above all, respectful. Treating people with dignity and respect is a matter of course for me when dealing with anyone. The experience and knowledge gained in these positions will make a significant contribution to the tribunal member position.

As a mediator, I have practical and current experience as a neutral individual, dealing effectively with matters relating to resolving disputes in family and civil matters. This professional experience involves extensive research and planning to maintain relationships between parties through education and understanding.

Also, as a volunteer mediator with the Etobicoke conflict mediation team, I have demonstrated experience in conducting case intake and assessment, coordination and pre-mediation facilitation, case development, and resolving disputes in mediation conferencing in both a private and community mediation setting. Private practice and volunteer experience has strengthened existing skills in identifying underlying assumptions and interests, encouraging creativity and exploring options to move toward early resolution.

Academics and training, particularly in alternative dispute resolution, and exposure to the Ontario public service, have enabled me to gain excellent knowledge and understanding of the Ontario Disability Support Program Act, Ontario Works Act, regulations, related legislation, organization, policies, the development of community linkages, and the opportunity to prepare progress notes, memoranda of understanding, produce written decisions and provide training in the areas of communication and conflict resolution. These skills are directly transferable and would be an asset as a member of the Social Benefits Tribunal.

Client interaction and the day-to-day responsibilities attributed to these positions provide the opportunity to exercise initiative, sound judgment and practise excellent customer service by dealing tactfully and professionally with sensitive and emotional situations.

In summary, I am confident that with my background and experience I can function efficiently, effectively and professionally as a member of the Social Benefits Tribunal.

Thank you for listening, and I look forward to any questions you may have.

The Chair: Great. Thanks, Ms Farnand, for the presentation—obviously very well thought out and well presented. We're starting with the third party, Ms Horwath.

Ms Andrea Horwath (Hamilton East): Good morning and welcome. I just want to ask a few questions about your experience in Hamilton because that's obviously where I'm from as well. You talked in your presentation about your mediation skills and those kinds of things. In the time you have spent as a case-presenting officer in Hamilton, how would you say the Hamilton community of advocates for people living in poverty would see your style, your way of treating clients and those kinds of things?

Ms Farnand: My style of presentation as a ministry employee, as a case-presenting officer, is non-adversarial. I tend to approach clients and their representative in an information type of way. I provide information. I brief them as to what my presentation will be like in the course of the hearing and try to make them feel at ease with the decision the ministry has made.

1020

Ms Horwath: Appellants or people who are coming before the tribunal—how would you characterize the typical person who would be coming before you in your previous role?

Ms Farnand: I would say that, generally, individuals who come before the tribunal are people in need, people who need assistance and believe they have a case to put forward.

Ms Horwath: Generally, people who are perhaps vulnerable, perhaps not in the most secure position in terms of their ability to make a case on their own behalf?

Ms Farnand: In some cases, people are able to present their case effectively. However, there are many cases where individuals need the assistance of an agent or a legal representative or sometimes even just support from a family member or a member of their own cultural community who can assist them through the process. The appeal process is not a simple one for the typical person who is in need of social assistance. Sometimes they require assistance. If it's not provided at the local ministry office, certainly—

Ms Horwath: I get that picture. I've actually been involved in this area myself in the past. I'm just wondering, if you were to be questioning someone in the process of a hearing, what would your style be? I know you talked about the pre-hearing kind of explanation and sharing of information, but how would you describe your style of questioning of an appellant during the process?

Ms Farnand: My approach in my style of questioning tends to be one of sincere interest. I really gear my questioning by being open and simply having an interest in a person's individual case.

Ms Horwath: Would you be surprised, then, if people who are advocates in Hamilton described your style as being aggressive toward appellants? Would that be surprising to you?

Ms Farnand: Yes, it would.

Ms Horwath: That's interesting because certainly that's what I'm hearing in terms of some feedback from the local community.

I want to explore a little bit your position around this particular appointment. What I'm wondering is, do you see there being any concern or, in your opinion, any issue around the fact that an appellant who would be making a second application after a Social Benefits Tribunal denial could in fact have you as, first, their CPO, and then if you're appointed to this tribunal, as their tribunal member? Would that be a problem in your mind?

Ms Farnand: That would be a conflict of interest, and certainly I would follow whatever protocols the tribunal has in place for that type of circumstance.

Ms Horwath: Would you then agree with the suggestion that perhaps, should you get this appointment, your placement should not be in the city of Hamilton since that's where your experience has been over the past while?

Ms Farnand: No, I don't agree with that. I attend hearings throughout the province, not only in Hamilton. I attend hearings as north as North Bay and as south as Windsor.

Ms Horwath: So potentially these kinds of conflicts could be rampant throughout the province, if what you're saying is it's not specific to Hamilton.

Ms Farnand: I wouldn't say it would be rampant per se. The tribunal, in terms of disability hearings, has more than just disability hearings. It has Ontario Works hearings, as well as financial hearings that result out of decisions from the local ODSP office. In my role as a case-presenting officer, I only went to hearings as a result of disability determination. Out of 600 hearings that may come before the tribunal, I may attend eight per week, and maybe eight may not go through to final disposition.

I'm not sure if I would say it's rampant, but there certainly would be the occurrence where I have attended a hearing where it would be inappropriate for me to attend as a member.

Ms Horwath: Then you're not of the opinion, or you are of the opinion, let's say, that you would be quite unbiased and that there would be no perception of bias whatsoever if you were to be appointed to this tribunal?

Ms Farnand: I don't believe—this is my own opinion, and you're asking for my opinion—I would be biased because of my position as a case-presenting officer at the DAU. Even in hearings I attend now, at times I'm swayed by testimony of the appellant and maybe sometimes my role is misunderstood. I am a case-presenting officer. I am there to present the case of the ministry, and although I'm not a client advocate, I am there to provide information and assist clients through the process. I would remain objective and certainly function to the best of my abilities in the role as a member.

Ms Horwath: Thank you, Mr Chairman. No more questions.

The Chair: A move to the government. Mr Levac.

Mr Levac: Just an observation and a thank you for putting your name forward. We need extremely talented people to come forward to assist our province, and I'm sure we'll find that with Marsha. I appreciate it very much.

The Chair: Nicely said. Any comments? The official opposition. Mr Tascona.

Mr Tascona: Who's your MPP?

Ms Farnand: Ted McMeekin.

Mr Tascona: Have you talked to him about this appointment?

Ms Farnand: No, I have not.

Mr Tascona: How did you hear about the appointment?

Ms Farnand: I have been working with the ministry for quite some time and have had opportunity to deal with members at the Social Benefits Tribunal. They in fact have told me how to apply, what to do, what it is to be a board member and things like that.

Mr Tascona: Have you spoken to anyone in the appointments secretariat about this? Did you have an interview?

Ms Farnand: The process I followed, if that's what you're asking, was that I went to the Web site. I didn't send my resumé through the Web site. I faxed it.

Mr Tascona: No, I wasn't asking about the process. I was asking about whom you spoke to.

Ms Farnand: After I submitted my application, the contact that was made to me from the Public Appointments Secretariat was maybe four weeks ago. I applied in February and I heard from them maybe four weeks ago.

Mr Tascona: But did you have an interview with them?

Ms Farnand: No, I had an interview with a representative from the ministry, and that was in April. Then I recently met with individuals from the public appointments office, to prepare me to attend at this committee, on Monday.

Mr Tascona: So you had an interview on Monday?

Ms Farnand: I wouldn't call it an interview. It was more of a briefing.

Mr Tascona: What did they tell you?

Ms Farnand: Questions to expect and just the forum I would be presented with.

Mr Tascona: Are you a member of any political party?

Ms Farnand: Yes, I'm a member of the Ontario Liberal Party.

Mr Tascona: Have you contributed financially to this party?

Ms Farnand: Yes, I have.

Mr Tascona: Let me ask you a couple of questions about your role. I think you're fairly qualified. I was quite impressed by your resumé. You're very active in the community and also you have a little bit of entrepreneurial endeavour there. You're a full-time mediator?

Ms Farnand: Yes, I am.

Mr Tascona: Working for the government too.

"A leading anti-poverty organization in the province, Income Security Advocacy Centre (ISAC) has suggested that simply building in a cost-of-living amount will not be adequate."

This has to do with the government's announcement of its intention to increase basic needs and maximum shelter allowances for recipients of both Ontario Works and Ontario disability support by 3%.

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They state, "The McGuinty Liberals are promising to raise the rate by 2% to 3% at some unspecified point in the future. For a single parent with one child, a 3% increase would be an additional $28.71 a month—barely enough for a pair of shoes. This raise is utterly inadequate and inhumane."

The data would appear to show that the tenants who do get the subsidy are in private rentals; they're not in subsidized housing. What's your opinion on that? Do you think more should be done with respect to people who are in this position? You've been in the field a long time. You must have an opinion.

Ms Farnand: Yes, I do have an opinion. Clearly, one can't function the way I have, dealing with individuals receiving social assistance who are needful, and not have an opinion.

Mr Tascona: We're waiting to hear it. It's an important issue.

Ms Farnand: I'll give it to you. I think the intention of the government is there to make changes to social assistance. I know the minister has put forward some changes now. I do agree that the rates are inadequate. As a citizen, as a taxpayer, I realize we all have a social responsibility. I also realize that we have a fiscal responsibility. I hope that the changes are positive.

Mr Tascona: You'd agree that more needs to be done for these people. Wouldn't you agree with that? They need more help.

Ms Farnand: Yes. In principle, absolutely. I'm not sure if it's specifically social assistance rates. Of course an increase in the rates would enhance their living, but there need to be other programs that are looked at as well.

Mr Tascona: For example?

Ms Farnand: Community resources such as food banks or shelters, an increased space in community living, those types of things.

Mr Tascona: Thanks very much.

The Chair: Ms Scott?

Ms Laurie Scott (Haliburton-Victoria-Brock): Thank you for appearing here today. Your presentation was excellent. Following up on what Mr Tascona has said at a meeting with some of the shelter groups in the area, one idea that was presented was that the cost of shelters should flow with each client. It shouldn't just be a sum; it should flow depending on your area. Do you have any opinion on that? Have you come across that?

Ms Farnand: I do know that rental rates in Toronto, for instance, are different from those in Chatham. It's hard for me to say, from my perspective, what would be appropriate. I really don't know. It has only been my experience that the government has put forth a set amount in terms of accommodation costs.

Ms Scott: I guess I was asking if you see that might be a flexible point down the road, that the funding should go with the client, depending on where they are and what their needs are. Is that a possibility?

Ms Farnand: Maybe. That may be a possibility.

Ms Scott: OK. I just didn't know if you had an opinion one way or the other.

Ms Farnand: No, I don't.

Ms Scott: OK. From your resumé: You've certainly got extensive professional experience as a mediator. I'm just getting a sense of what you're doing right now. You're a case-presenting officer with the ministry and you're also a principal with Successful Mediation Services. Are you currently doing both, and what are your plans if you're successful with this appointment?

Ms Farnand: My plans are to put my business, Successful Mediation Services, on hiatus and to obtain a leave of absence from my present position.

Ms Scott: For how long can you apply for a leave of absence? Do you know the details of that?

Ms Farnand: Not specifically. I know that I am able to apply for a leave of absence for up to a year. After that, I'm not sure. I may have to request another.

Ms Scott: This appointment is for how long? Did they tell you?

Ms Farnand: One year.

Ms Scott: So it's a one-year appointment. How much does the position pay?

Ms Farnand: Sixty-eight thousand dollars.

Ms Scott: OK. I noticed you've taken American Sign Language. I just wondered if that was personal interest. Do you come across a lot of clients who are deaf?

Ms Farnand: At the time I took the course I was inheriting a caseload of disabled clients and I had a fair number of individuals who were deaf. It was not an endeavour that was supported by the ministry, but out of my own interest I attended this class to try and at least say, "Hi, how are you?"

Ms Scott: Yes. I don't know the Hamilton area. That's mainly where you've been, right? I know that Milton school is around there. Do you see a lot of deaf in this situation of social poverty in this job?

Ms Farnand: I have not come across an appellant who has attended the tribunal who has been deaf, and I've been doing the job for five years now. I couldn't speak to the representation or the demographics of that type of disability within the Hamilton region.

Ms Scott: That's all.

The Chair: Ms Farnand, thank you very much for your presentation. As you may know, we vote on the appointments at the end of the session, probably about 11:30 to 12; it will be around that today. Make yourself comfortable; wander around. Thank you very much for your presentation.

RICHARD CORCELLI

Review of intended appointment, selected by third party: Richard Corcelli, intended appointee as member, Ontario Rental Housing Tribunal.

The Chair: Next, I would like to call up Mr Richard Corcelli. Mr Corcelli is an intended appointee as a member of the Ontario Rental Housing Tribunal. Mr Corcelli joins us from beautiful Gravenhurst, Ontario. The first question Mr Corcelli must answer is why he'd want to spend his time in Toronto at this time of year.

Mr Richard Corcelli: Thank you very much. I'm glad to hear you say that because we did meet about four years ago when you opened, at the Gravenhurst Opera House, the meeting of the snowmobile association. It was a packed house. You spoke, and it was a very happy night.

The Chair: It's nice of you to say that. Thank you very much. You have my vote, sir.

Mr Levac: Is that all it takes?

The Chair: I'm easily flattered, particularly after I've performed at the opera house or something like that.

Mr Corcelli, any time you want to make your presentation, and we'll begin any questions with the government side. The floor is yours, sir.

Mr Corcelli: Thank you, Mr Chair, and members of the committee. I do have a written response I'd like to make, if I may.

Thank you for the opportunity to appear before the committee in its review of my appointment to the Ontario Rental Housing Tribunal. I'm very appreciative of the chance to be considered for this appointment as it's a position in which I have great interest and one that will also allow me to continue in the field of public service.

I believe you have my CV before you. However, if perhaps I could highlight some of my work and community service experience, I believe it may show you that I'm qualified to be a member of the tribunal.

I spent 14 years with 3M Canada in sales and management before moving to Muskoka with my wife and three daughters in 1974 to start an automotive parts business. After 13 successful years with that business, I sold it and then spent two years as a training consultant with DuPont Canada and also with Georgian College.

During 30 years of living in Gravenhurst, I have served on the Gravenhurst Hydro Commission, the Gravenhurst Chamber of Commerce, the Gravenhurst BIA, the South Muskoka Memorial Hospital Board, the Gravenhurst non-profit housing board, the Muskoka District Housing Authority board, the Muskoka-Parry Sound board of health, the Muskoka Tourism board and the Muskoka Airport Advisory Committee.

I served two terms as an elected municipal councillor, both for the town of Gravenhurst and the district of Muskoka. As chair of both the Gravenhurst Development Services Committee and Muskoka's engineering and public works committee, I chaired many council committee meetings, which often had public delegations, as well as statutory public meetings under the Ontario Planning Act and the Ontario Municipal Act. I believe that this experience has served me well in dealing with the public in a formal meeting environment.

I have owned a residential-commercial rental property in Gravenhurst for 25 years, which has provided me an insight into landlord-and-tenant problems with regard to the Ontario Tenant Protection Act. In fact, as a landlord I have had occasion to use the mechanisms of the Ontario Rental Housing Tribunal.

Conversely—although some time ago, I must add—my wife and I were once tenants of a large property management corporation with whom we faced the refusal of a damage deposit refund at the termination of the tenancy. The resolution of that issue is one which rankles me still because in those days one had no alternatives to present before a landlord other than those one could constitute oneself or through the courts. So I suggest that this background would perhaps serve me well in being familiar with landlord-and-tenant issues.

I should also mention that until recently I was a member of the Muskoka affordable housing committee executive, an advocacy group whose mandate was to raise awareness of homelessness in Muskoka and also of the lack of affordable housing.

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My adjudicative experience has been, for the last year and a half, as chair of Human Resources Canada Employment Insurance board of referees for North Bay, Ontario, where I conducted hearings to hear appeals from EI claimants against the commission and, following that, wrote resultant decisions. I believe this adjudicative role would prepare me for the rental tribunal deliberative process of weighing evidence and making judgments.

Just departing from my notes briefly, I would like to mention that there has been a tremendous amount of training go into preparing me for that role, both prior to the time I started and ongoing since I have been involved for the year and a half. I just couldn't be more appreciative of the time that's been spent with me in the areas of studying jurisprudence, weighing evidence, the burden of proof that arises from evidence and the deliberative process, once again, in analyzing that evidence and preparing and writing a decision. That training has prepared me, I suggest, for this role as well.

I also wish to inform the committee that I am currently a member of the Ontario Liberal Party and the Liberal Party of Canada and have been for some years. I have contributed financially to both of these parties; however, I have not been actively involved in political campaigns since 1995. I would like to mention as well that I have supported other political parties, both financially and at the polls, when I felt the candidate was most qualified. I refer specifically to our former Muskoka MPP and former Premier of Ontario, the late Mr Frank Miller.

I'm hopeful that the committee will support my appointment as a member of the Ontario Rental Housing Tribunal, as I wish to continue in public service in the hope that my efforts will continue to make a difference for the people of Ontario. I'd be pleased to answer any questions the committee members may have for me.

The Chair: Thank you very much for a nice presentation—1995 was certainly one of my favourite years of the 1990s. We appreciate your comments.

We start with the government members; you have seven minutes.

Mr Levac: I appreciate deeply your candour and putting things out front so we can discuss them. First of all, my thanks on behalf, I assume, of all of us for your contribution to the province and to your area. It's obvious by your curriculum vitae that you are very dedicated to your area and to the service of the public.

You indicated a background in the last little while that would serve you well. Is there anything that you would bring to the table besides your perspective as an owner? On the landlord side, it's very clear. On the tenant side, are you suggesting that your background in rental housing and homelessness is where your balance is coming from in terms of looking at this as a tribunal issue?

Mr Corcelli: I hope it wouldn't leave me overbalanced. Obviously, when one sits in an adjudicative role, one has to take a very equitable approach to both sides of an issue.

I can tell you that my experience as a chair of the Employment Insurance board of referees has shown me that many times appellants are really intimidated by the process. We hope to show them that they need not be. My assumption is that perhaps all chairs and members of tribunals attempt to do the same thing. I have often felt a lot of compassion for people who deliver themselves into that process while having the feeling that perhaps they've been thrown to the lions. Certainly, that isn't the case in my experience.

I do have some sympathy for homelessness and for the unseen homeless, I think I could say. One would think that in an assessment-rich place like Muskoka there are no homeless. There are many, in fact, and there are many degrees of homelessness. People sleep in cars in the summertime, and while they don't freeze to death, that's not a very pleasant way to spend their time.

We've been exposed in our area to the different levels. I'll attempt to answer your question by saying that I do have some sensitivity and I'd like to see that folks like that have a better stance.

Mr Levac: Thank you so much. That's it from my perspective, Mr Chair. I don't know if anyone else has anything. Again, thanks to our applicant for his contribution to our province.

Ms Monique M. Smith (Nipissing): I'm delighted to see someone who works in and visits North Bay often.

The Chair: There you go. Bonus points for you on that one.

Ms Smith: Exactly.

The Chair: Thank you very much, folks. On to the government members.

Mr Tascona: Yes.

The Chair: Sorry. Boy, time flies.

Mr Levac: It's a habit.

The Chair: It is. Official opposition, Mr Tascona.

Mr Tascona: I share those thoughts with Monique quite extensively.

The Chair: I was thinking back to 1995.

Mr Tascona: Thank you for coming here today. I appreciate that. I just want to ask you a few questions. You have no legal background, I take it?

Mr Corcelli: I have no legal background. However, I have studied some Nipissing University courses in Canadian law.

Mr Tascona: The appointment as chair of the EI board of referees—what period of time would that cover?

Mr Corcelli: I think it's a three-year appointment with the possibility for a renewal of a second term of three years.

Mr Tascona: You do the hearings in Gravenhurst?

Mr Corcelli: No, I do them in North Bay.

Mr Tascona: You're a landlord, I understand.

Mr Corcelli: Yes, I am.

Mr Tascona: Where would you preside? Where are you going to be doing the hearings if you are on this rental housing tribunal?

Mr Corcelli: I think I understand where your question is coming from, and it's the issue of a conflict with perhaps known people. I have been advised somewhat informally—we haven't gone into this in any depth with the rental housing tribunal—that I likely would never be assigned to any cases in my immediate or even broad community for the purposes of attempting to stay away from any situations where I might be familiar—

Mr Tascona: Your landlord holdings are in the Gravenhurst area?

Mr Corcelli: Yes, they are in Gravenhurst proper. It's one residential property, one apartment. It's not what you'd call broad holdings by any means.

Mr Tascona: It's a matter of interpretation.

Mr Corcelli: Yes.

Mr Tascona: That's a fair comment.

In the situation of presiding, though, your understanding is that you would not be presiding in the area where you reside.

Mr Corcelli: That's correct.

Mr Tascona: That's good to know. Have you appeared before the rental housing tribunal?

Mr Corcelli: No, I have not. I did at one time explore the mechanisms of it with regard to a tenant. I'm happy to say that we were able to resolve the issue through a mediative process; not a professional one, as the former witness has referred to, but a mediative process which allowed us to resolve the issue and move a tenant into an apartment which was more to their financial situation.

Mr Tascona: Do you recall when that was, the year?

Mr Corcelli: If anybody could help me, it was on the night of Maurice Richard's funeral. So I'm going to say that it was about three years ago, maybe four.

Interjections.

Mr Corcelli: Is it three?

Mr Tascona: Yes, 2001. That's the last involvement you've had with the rental housing tribunal?

Mr Corcelli: That's correct.

Mr Tascona: That was in your own area?

Mr Corcelli: That's correct.

Mr Tascona: I noticed on your resumé that you've got a little bit of involvement here with golf: starter/play coordinator, ClubLink Corp/Lake Joseph Golf Club, and then starter, Taboo Golf course and resort, Gravenhurst.

Mr Corcelli: That's correct.

Mr Tascona: Is that what you've been doing in your time? I was looking at your resumé and that's what you've been doing, I guess, in your summer periods, as well as being the chair of the board of referees.

Mr Corcelli: Yes.

Mr Tascona: Is there anything else you're doing in the community that would be of an employment nature?

Mr Corcelli: No, that's the only thing. Mr Tascona, I have to tell you honestly, I worked about two shifts a week at those golf courses. Anybody who golfs would know—certainly those who golf in Muskoka—that it's extremely expensive and so ostensibly what one earns through those two little shifts is the capability to play some wonderful golf courses at no charge. In fact, I played twice this year and once last year. I'll leave it to you to decide whether or not there was any great benefit to it, but it isn't something I pursue as a means of employment. It's more an opportunity to be outside around golf, which I love, and meeting people.

Mr Tascona: I just want to make sure I understand what you're doing in the community besides that. So that's a fair comment.

Maybe Laurie's got some questions.

Ms Scott: Thank you very much for appearing here today. You're still the chair of the EI board of referees?

Mr Corcelli: Yes, I am.

Ms Scott: Is that going to be going on? I'm sorry if I missed that earlier. How long is that for?

Mr Corcelli: I assume it's going to be ongoing. Believe me, I have really wrestled with that issue to some extent. My hearings have been, on the average, about once every four or five weeks, closer likely to five weeks or four. As you can see, I only meet perhaps at the most maybe 11 times a year. I have made an assessment that that won't create a conflict in terms of time management, particularly because the position I've applied for is one of part-time member, where I understand from the rental housing tribunal that the amount of time one spends is the amount of time one accepts. It isn't necessarily working to a very specific caseload of four days a week or four and a half. I've made the decision, on the advice of the people at the tribunal, that I will be able to maintain both positions.

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Ms Scott: Can I ask, how much does the board of referees pay? Is that a per diem also?

Mr Corcelli: Yes, it's $400 per diem, and one does not get mileage and one does not get payment for preparation.

Ms Scott: You don't get mileage for going to North Bay, is it?

Mr Corcelli: No.

Ms Scott: Interesting. OK. This is a part-time position. Did they inform you how much it paid or how much time is going to be involved? I guess both those questions, please.

Mr Corcelli: I understand that it's $200 per diem while sitting and $100 per diem while preparing, but because I am not able to make the extension of the number of days that potentially a part-time member might work, I'm not able to suggest to you what the total earnings might be. But one could suggest, if there are 250 workdays in a year, I guess it could max out at $50,000. I don't know that; nor do I think I wish to work 250 days a year.

Ms Scott: Did they give you some idea of how much time would be involved?

Mr Corcelli: I'm sorry, they did not.

Ms Scott: But you still feel you should be able to balance it?

Mr Corcelli: Yes.

Ms Scott: I'm not experienced on how many hours the board also includes. How did you find out about the position, then?

Mr Corcelli: A friend of mine, who had been a previous municipal councillor in an adjoining constituency, had been a member of the rental housing tribunal, and his term came to expiry this past spring. He told me about the tribunal and suggested it's something that might interest me as a former municipal councillor. I also had a friend who had applied and been accepted and who made the election not to accept the appointment to the

tribunal. So through those two, I became familiar with the tribunal and applied to the Public Appointments Secretariat.

Ms Scott: You mentioned homelessness before. Have you come up with any creative ideas in your community to deal with the homeless issue and affordable housing? That's a big issue in a lot of Ontario communities.

Mr Corcelli: Ms Scott, as a legislator, I don't think you likely want to hear this from me, but it's an issue of money and creativeness. We know that many people in Muskoka are faced with the issue every month of food or rent, and it's not a very difficult decision to make when one has the choice of feeding their family or paying their rent.

There is no affordable housing in our community. Actually that's not correct; there's not enough affordable housing in our community, and our advocacy group worked on concepts to improve that. I have to tell you, without the support of both this House and your colleagues in Ottawa, it's very difficult to provide additional housing from the property tax base. So it is a tripartite requirement, for the answer, and when we all decide to pull together, I believe we'll be closer to the answer.

Ms Scott: Just on a similar topic, do you have any idea how many affordable housing units you need in the area?

Mr Corcelli: I'm sorry, I have known that, but I don't have it at hand just now.

Ms Scott: Thank you very much for appearing here today. That's all, Mr Chair.

The Chair: Ms Horwath, the floor is yours.

Ms Horwath: Good morning. Just out of curiosity, how many rental units would there be in your area? What's the proportion of renters versus homeowners?

Mr Corcelli: I'm sorry, I don't have that information.

Ms Horwath: Not even 20%, 10%?

Mr Corcelli: I can tell you that if you read some of the consultative papers that have been released as a result of the current government's investigation into the tribunal, it mentions a high vacancy rate in Ontario of, I think, about 6% or 8% and one that's expected to increase. The vacancy rate is expected to increase in the next couple of years. I can tell you, that's not the case in my community.

Ms Horwath: That was my next question. What would the vacancy rate be in your community?

Mr Corcelli: I'm sorry, I can't give you the data, but I believe the data would support the fact that we have a very high demand rate. Our units are full. One of the things this results in, even though rent control has been changed to the extent that a landlord is not subject to rent control when a tenancy ends, it suggests that there can be negotiation between landlord and tenant for the new rent. By and large, I would suggest that doesn't happen in our area. That only happens when there is competition for available housing. I hope that answered your question.

Ms Horwath: It does.

Mr Corcelli: I don't have information specifically on statistics.

Ms Horwath: That's fine. I'm wondering then, following on your comments, what would your take on the current legislative framework be? Do you think the Tenant Protection Act is a good framework right now? Do you think it balances the needs of tenants and landlords appropriately? Since you've been a tenant and now you're a landlord, what would your assessment be of the current legislation versus previous legislation like the Landlord and Tenant Act?

Mr Corcelli: Ms Horwath, I don't want to be reticent in answering the question. As you know, what I am applying for here is an adjudicative role, not one that would interpret or make policy—it would interpret, but it isn't one that would make policy. So I don't know if it's appropriate for me to comment on the consultative process.

Perhaps what I could say is, I believe there is more room for mediation. Mediation is an element that is available within the Tenant Protection Act, but I don't believe it is used sufficiently, nor has it provided sufficiently for tenants. As you know, if tenants get mediation, it's on the same day as a hearing. I don't know that one is in the right attitude or mood on that day to get into the mediative process when one is preparing to get into the adversarial process with a landlord. I would just hope that there might be an opportunity for improvement of the mediative role for people who, by and large, as I said earlier in response to a previous question, are intimidated by the tribunal process. Goodness, even the title of a quasi-judicial tribunal is terrifying in itself for some people. I wish we could call it the People's Court or the people's tribunal, something people were familiar with from television.

Ms Horwath: Judge Judy.

Mr Corcelli: Exactly.

Ms Horwath: I have one final question, and it's along the same lines. At the time when the legislation changed, you were a councillor in the town of Gravenhurst. Part of the legislative change was challenged by several cities in Ontario, particularly around the Rental Housing Protection Act and the loss of the Rental Housing Protection Act in Ontario. Some communities felt it was extremely problematic, that the ability of owners of property to simply convert to condo or tear down usually affordable rental properties was problematic and was going to cause an exacerbation of an already tight housing market. Did this come up at your town of Gravenhurst discussions when you were with the non-profit housing board or in the development services committee? Did you discuss it at all, and were you aware that other communities were taking on this very issue?

Mr Corcelli: I would have to say that we did not. I sat on both those boards. The Muskoka District Housing Authority, as you likely know, is essentially management of Ontario Housing Corp units, which no longer exist. They've been taken over by the district of Muskoka.

I would have to say that we were not part of that process, and I don't think it was because we avoided it; it's because I don't think we had been made aware of it. I

think a better job could be done in the consultative process. Even what's being done currently, what was done this spring, I think, was done in large communities in Ontario.

The dynamic with regard to rental housing in large communities is very different than it is in communities of 15,000 people, as is ours. We only have two elevators in Gravenhurst. That will tell you that we don't have massive apartment buildings. And even one of those, I think, is in a public building rather than in a residential property.

I have the impression that smaller communities are not involved sufficiently in the consultative process to which you refer, and perhaps there's room for improvement there. Does that answer your question, Ms Horwath?

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Ms Horwath: Yes. It wasn't actually part of any consultative process of the former government. Quite frankly, it was a matter of changing the policy completely, and some communities proactively sought to challenge the government's decision by bringing in municipal bylaws to cover off rental housing protection. Certainly the city of Hamilton—and I know the city of Toronto and others did—in fact took it through court processes when the government challenged our ability to do that. In fact, landlords' associations were also challenging municipalities in their decision to take municipal bylaws to cover off rental housing protection.

Mr Corcelli: We did do that. We did enact a property standards bylaw.

Ms Horwath: No, this isn't property standards. This is particularly the prevention of demolition and conversion to condo of rental housing, but that's fine.

Mr Corcelli: My recollection is that we did not participate in that process.

Ms Horwath: No problem.

The Chair: Mr Corcelli, thank you very much for your presentation and responses to members' questions. I think as you know, we'll probably get to the vote on—I guess it's called the concurrence, if I use the proper term—around 11:30 or so. So make yourself comfortable.

Mr Corcelli: Thank you, Mr Chair and members of committee.

The Chair: Good seeing you again.

KEVIN DOYLE

Review of intended appointment, selected by third party: Kevin Doyle, intended appointee as member, Health Professions Regulatory Advisory Council.

The Chair: Our next intended appointee is Mr Kevin Doyle, interestingly of the C.D. Howe Institute. Welcome, Mr Doyle, to our committee. He is an intended appointee as a member of the Health Professions Regulatory Advisory Council, aka HPRAC. The floor is yours. The questions will begin with the official opposition.

Mr Kevin Doyle: Mr Chairman, honourable members, I'll keep my remarks brief and I'll try to answer any questions you may have for me.

I was honoured to be invited to become a member of the Health Professions Regulatory Advisory Council, or HPRAC. Should you see fit to approve my nomination, I can assure you I'll make every effort that I'm capable of to uphold that trust.

You may well ask, what does a relatively long-in-the-tooth journalist and editor with some experience covering wars, politicians and business leaders bring to a council charged with, among other things, advising the Minister of Health on whether professions should be regulated and whether regulated professions should be unregulated, whether the Regulated Health Professions Act should be amended, whether quality assurance programs undertaken by the colleges meet the required standards or, indeed, deal with any related matter referred by the minister?

For one thing, I have a career-long interest and modest involvement in public policy, in its formulation if not its implementation. I also have an abiding respect for public service, although until recently I've not been in a position to be part of it. I know I would bring independence with no obligation to any political party, interest group or ideological organization to a council whose effectiveness and usefulness depends ultimately on protecting that status. I think I would bring in an innate sense of fairness, an openness to the issues and a commitment to weigh all sides of a referral before making a decision.

As well, I've thought for a long time that few areas are as befogged by poor communication as the broad field of health care, the professions that administer it and the people who use it. As someone who's been fighting for more than 30 years for clarity and openness in written communication—you'll notice I don't make the same claim for my own verbal communication—I believe I can make a valuable contribution to making complex issues transparent and understandable to everyone who needs to know, and that literally is everyone in the province. That is what I would consider to be my greatest accomplishment.

I think I'll leave it at that in case I begin sounding like Mark Twain, who often started his speeches by saying, "I'll begin by telling you what a remarkable person I am, then I'll describe all the wonderful things I've done for the community and I'll conclude by saying some things that are true." Thank you very much.

The Chair: I might have to steal that one. Thank you, Mr Doyle, for your presentation; its brevity as well. We start with the official opposition; any questions?

Ms Scott: Thank you, Mr Doyle, for appearing here before us today. You do have quite an extensive background in foreign correspondence and as a parliamentary and economics reporter. I wonder if you could expand a little more on why you're interested in the health care sector or why another appointment to another board may be corresponding more to your previous experience.

Mr Doyle: First of all, I was invited to join by the chair. I thought about the invitation for several days. I did some research and came to the conclusion that I could make a contribution to the improvement of one aspect of

the health care system. I can't think of any field that's more deserving of our attention than health care generally, and I think HPRAC is a very essential part of that.

Ms Scott: So you haven't had a lot of professional background. Has there been personal involvement, family members in the health care system? Is there something that led you to this?

Mr Doyle: Oh, sure. Yes, family members extensively.

Ms Scott: You said you were asked by the chair. Who is that?

Mr Doyle: Barbara Sullivan.

Ms Scott: So the chair of the board?

Mr Doyle: Of HPRAC, yes.

Ms Scott: Did she know you before? Do you have a connection with the chair?

Mr Doyle: We've known each other for many years.

Ms Scott: There are a lot of issues that are outstanding with regulatory bodies, and tackling the doctor shortage certainly is one of them. Do you have any comments or do you know anything about physicians' assistants? I know they're used in the States. It's been a topic that's been broached off and on over the last several years. Do you have any background or know anything about physicians' assistants and how they might fit into our health system?

Mr Doyle: Only what I've generally read. I know it's an issue that HPRAC will certainly be actively involved in examining, but I don't frankly know the sides of the issue well enough to say where I stand on it.

Ms Scott: Nurse practitioners certainly have been a topic and have been allowed to have more authority in their profession. Do you agree that it's appropriate for nurse practitioners to have that authority? Do you feel they should have more, or how they fit in, especially in underserviced areas in Ontario?

Mr Doyle: Let me say I think generally, yes, it's a good thing. I hate to sound like a broken record, but I have to keep coming back to saying that it's not an issue that I am yet familiar with in any detail. I will be. If my nomination is approved, I will become very knowledgeable about it, but at this point I'm just not comfortable in giving a detailed opinion.

Ms Scott: I'm sorry, I'm not sure where you live. Do you live in an underserviced area for doctors in Ontario?

Mr Doyle: No, I live in Leaside, in Toronto.

Ms Scott: We in rural Ontario are in quite—

Mr Doyle: I come from rural Ontario.

Ms Scott: I'm sorry, you come from?

Mr Doyle: Rural Ontario.

Ms Scott: Where is it you—

Mr Doyle: Fitzroy Harbour.

Ms Scott: OK.

Mr Doyle: Ottawa's near there.

Ms Scott: OK. We're having quite a struggle to meet the needs. I know in the city of Kawartha Lakes alone, we're short 15 family doctors, which is quite significant and impacts the delivery of health care on the front line.

I was just interested in anything you've heard. It has been in the papers all the time; health care's been the number one topic. Are there any thoughts you had in being creative about how to service the needs of the doctor shortage areas or any of the professions that you may regulate, to expand on them to help us out, I guess, in rural Ontario?

Mr Doyle: I wish I had a good answer. I think one—

Ms Scott: I'm just trying to get some background on what you've been following.

Mr Doyle: One approach that's now getting some consideration is recognizing the credentials of doctors and other health professionals who obtained their credentials abroad and either providing training before they emigrate or bringing it up to Canadian standards as soon as they do. I think that's a promising trend, a promising area to pursue.

Ms Scott: Absolutely; I agree. We benefit in the small community I'm from in obtaining a new foreign-trained doctor for our community, so yes, definitely the expansion of that and anything we could do to expedite that process.

Yesterday, the dental hygienists were here, and they've been promoting to try to get deleted out of legislation the fact that they need a dentist's order to go and see patients. Are you familiar with that?

Mr Doyle: I am.

Ms Scott: Do you have any opinions on that?

Mr Doyle: Again, I don't yet. I'm familiar with the issue. I'm familiar with the stories that have been written, but I just don't know the two sides well enough.

Ms Scott: You're certainly coming to this board with an unbiased approach to a lot of topics.

Mr Doyle: Yes.

Ms Scott: OK. Mr Tascona?

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Mr Tascona: I have a couple of questions. I'm just trying to find out, are you a member of any political party?

Mr Doyle: No.

Mr Tascona: Have you ever been a member of a political party?

Mr Doyle: No.

Mr Tascona: You said you were contacted by or you contacted the chairperson?

Mr Doyle: The chair contacted me.

Mr Tascona: Have you had any contact with your local MPP about this?

Mr Doyle: No.

Mr Tascona: Who's your MPP, do you know?

Mr Doyle: Kathleen Wynne.

Mr Tascona: You've had no discussion with her on this appointment?

Mr Doyle: I haven't.

Mr Tascona: Who have you discussed this appointment with in the secretariat?

Mr Doyle: I had a brief discussion with someone in the secretariat this morning, just before I came over here.

Mr Tascona: What was involved in that?

Mr Doyle: It was a briefing about what to expect, about the process. It was a general briefing.

Mr Tascona: Just a briefing to tell you what process you would be facing and more information about what your appointment was?

Mr Doyle: No, we didn't discuss the appointment itself at all. I've discussed that with Barbara Sullivan.

Mr Tascona: So your discussion this morning was just about what the process was?

Mr Doyle: Yes.

Mr Tascona: Your background—you haven't really had any involvement in the health care field.

Mr Doyle: No.

Mr Tascona: So what do you think you're going to be able to bring to this exercise?

Mr Doyle: I think I can bring independence. I think I can bring openness. I think I can bring the ability to really hear all sides of a case, the way you hear all sides of a story.

Mr Tascona: Is there anything in particular you think should be done, that you want to do now that you've got an opportunity?

Mr Doyle: Well, as I mentioned, I think the general field of health care is one of the worst reported and least understood of any issue or field in the province, and I'd like to play a small role in improving the level of communication as it applies to health care, to the professions and to the people who use it, which is basically everyone in the province.

Mr Tascona: Do you think any professions should be recognized that aren't at this point?

Mr Doyle: I don't know. I'd certainly listen openly to any profession that wants to be regulated.

Mr Tascona: Are you aware of any other professions that want to recognized?

Mr Doyle: Practitioners of traditional Chinese medicine is one that I'm aware of. There may be others.

Mr Tascona: Do you have any thoughts on that?

Mr Doyle: I don't, because I haven't heard their case.

Mr Tascona: That's all the questions I have.

The Chair: Ms Horwath, the floor is yours.

Ms Horwath: The official opposition did a good job of going through the issues, but there is one thing that wasn't raised that I thought it would be appropriate to ask. Similar to the last question, there are also professions that at times want to deregulate. They want to have their profession deregulated. Are you aware of any that you know of currently or do you think there are any out there that might be appropriately deregulated?

Mr Doyle: I'm not aware of any and I don't know of a case for any that should be deregulated.

Ms Horwath: Are you aware that there's a process underway, that one of the projects right now is to look at whether there are certain criteria or whether there's a certain checklist, if you will, of considerations that should be gone through in a case of deregulation? Are you aware of any of that debate that's occurring right now or the project that's currently underway?

Mr Doyle: You mean issues of harm or potential harm?

Ms Horwath: Yes, I mean putting a framework together, putting a stringent process together to evaluate whether or not deregulation should take place.

Mr Doyle: I'm generally aware of it, yes.

Ms Horwath: Do you have any opinions on that?

Mr Doyle: No. I haven't discussed it with anyone. I haven't heard or read the sides, but I will.

Ms Smith: Mr Doyle, I would just like to thank you on behalf of our government for putting your name forward and for offering your services. Despite my colleague Mr Tascona's somewhat insulting tone at times, I think it's important that we recognize that you have a—

Mr Tascona: Mr Chairman, I don't need to be—who are you to characterize myself as that? I think it's out of order and I want an apology right now.

Ms Smith: I wasn't characterizing you, Mr Tascona, I was characterizing your tone, which I think—

Mr Tascona: If you want to go outside and call me that, you go right ahead.

The Chair: Folks—

Mr Tascona: You wouldn't do it outside, so don't do it in here.

Ms Smith: Oh, Mr Tascona, you're being a bit melodramatic.

Mr Tascona: Why don't you grow up?

The Chair: Members—

Ms Smith: If Mr Tascona is that offended, I do apologize.

The Chair: Well, let's drop it. Let's bring the tone down. We've conducted the meeting in a very nice tone to date. We should give the respect Mr Doyle deserves, so let's complete the questions.

Ms Smith: Absolutely. The intention of my submission this morning was to give Mr Doyle the respect he deserves and to thank him for serving. I think not only is it commendable but it's laudable that you're coming to this committee with fresh, though seasoned, eyes and I appreciate that you will bring that perspective to the committee. So I want to thank you for offering your services.

Mr Levac: Mr Doyle, I'm very impressed and want to thank you again. Your background has indicated that the wealth you bring to the table will be very beneficial to us in terms of your history: C.D. Howe, Maclean's, Newsweek, Bloomberg etc. I'm sure you've been able to see pass your desk an awful lot of articles that had an awful lot to do with our health care system, and as you've pointed out, your personal desire is to have a small part in improving our health care system. Inside of this appointment there will be some very controversial discussions, requests and proposals to talk about. Can you just fill us in a little bit, in terms of being an editor, being a person who has to deal with what goes inside of those publications, on the style you have to bring in order to make sure those particular kinds of issues would translate into what it is you're going to do on the board, and bring some of those fresh eyes, as my colleagues said, to the

discussion? How do you match that obvious talent you have and put it into the committee work?

Mr Doyle: I guess by being very deliberately open, open to all sides of an issue and making sure you get all sides of an issue, and once you've done that, developing a consensus, helping lead a consensus to a conclusion. Whether it's favourable to the cause that's before you or unfavourable, I think can't influence you.

Mr Levac: I appreciate that, and Mark Twain probably did get it wrong, although he was right most of the time. I want to thank you for your contribution to our province and to North America, actually. We appreciate it.

The Chair: Thank you very much, Mr Doyle. I think as you've heard we're going to move to concurrence after Ms Reid's presentations, so feel free to stick around and enjoy the show. Thank you for your presentation.

PATRICIA REID

Review of intended appointment, selected by official opposition party: Patricia Reid, intended appointee as member, Town of Fort Frances Police Services Board.

The Chair: Our next intended appointee is Ms Patricia Reid, the Fort Frances Police Services Board. I believe I have Ms Reid's biography with me, who calls Fort Frances home. This is a bit of a drive from Fort Frances this morning, so you must have got up bright and early. There was also another Pat Reid from Fort Frances, the former provincial member from Fort Frances, I believe, and recently with the Ontario Mining Association.

Ms Patricia Reid: Yes. He's my husband's cousin.

The Chair: There we go. Welcome, Patricia—also my sister's name, by coincidence; a nice name—to our committee. I think you've been in the audience and you know how it works. These Hansard clips may come in handy some day. We'll begin any questions with the third party after Ms Reid's presentation. The floor is yours.

Ms Reid: I want to thank you, Mr Chair, and members for this opportunity to address you. As to my personal background, I'll just be expanding on my resumé a bit, my community involvement, as well as my reasons for reapplying for a position on the Fort Frances Police Services Board.

Firstly, I must make you aware that I was an appointed municipal member of the Fort Frances Police Services Board for five years prior to last year's November municipal election, and also let you know that Fort Frances is a section 10 board, which is OPP-manned and has been since 1996. In the past I served a six-year term, between 1986 and 1992, on the Fort Frances Municipal Police Commission.

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I am Fort Frances-born and -bred, born in 1947. I'll let you do the math. I was educated locally until entering the University of Wisconsin, where I earned a bachelor of science degree in physical education and English in 1970. I was granted my education degree by Lakehead University in 1972.

I married my high school sweetheart, Tom Reid, Pat Reid's cousin, in 1968. We were both hired by the Kenora-Keewatin school board to teach physical education and geography in the 1970-71 school year. We also coached every sport that was in the athletic repertoire—new teachers, big jobs. The following year we found ourselves back in Fort Frances, myself to Fort Frances High School as a teacher-coach and Tom to take over the family business, which we still operate today.

We have three children, two girls and one son. The girls are 31 and 29 respectively; my son is 28. Our eldest daughter is married and is a municipal employee in Fort Frances. She calls herself the "physical educator." Her father mistakenly called her the "recreation director." My second daughter is here in Toronto, pursuing a fashion design career, and my son is at home, waiting for his certification to become a teacher in local education.

My community involvement began during my teenage years. I helped coach in the elementary system and was very involved in the high school community, student government, band, yearbook, varsity sports, the whole lot. I had a great role model as far as community involvement was concerned: my mother. She still found time, while raising six children, to be involved in the community. She had hospital auxiliary, she had time to contribute to foster care and many service clubs. She was my role model. That's why I started to participate at such a young age.

During the 1970s, I continued to supply-teach and coach. I was involved as a parent-teacher assistant in my children's classrooms. I also accepted the position as district campaign manager for the Canadian Cancer Society, in which I'm still involved today.

The 1980s brought new challenges and involved children: two terms on the district school board; a new business—I called it the Canadiana Shop and some people call it a tourist trap; the beginning of a 12-year term with the business improvement association, where for four years I was chair; a chamber of commerce member; and a municipal appointee to the police commission in Fort Frances.

During the 1990s, I curtailed my community involvement for a period of approximately three years because of health problems. But in the winter of 1996 my health greatly improved and I decided to continue to be a contributing member of the Fort Frances community.

The 1996 agenda included a summons to serve on the MORE board, the multiple organ retrieval and exchange program of Ontario. I was the northwestern Ontario representative. The purpose of that board was, and still is, to ensure equitable and fair distribution of available organs in Ontario. When I was on the board, we changed the name and it became Organ Donation Ontario. It's now under the auspices of the government and its name is the Trillium Gift of Life Network. I served on this committee for five years.

As well, I had an appointment to the economic development committee of Fort Frances, where I have served for approximately eight years, the last four of which were

as chair. The EDC committee's main focus is retention and expansion, which means maintaining the businesses we have in Fort Frances and also trying to attract new businesses to our area to expand our economic base.

This has proven, however, to be a very daunting task in this period of budgetary cuts. In order to pave the way for new industry and business in Fort Frances, the town council has instituted a tax incentive plan which basically was developed by our local economic development committee.

At the urging of a friend, soon I was also involved in fundraising for the three district hospitals, one in Fort Frances, one in Atikokan and the other in Rainy River. They're known as Riverside Health Care Services. The special events committee has raised hundreds of thousands of dollars, which is used mainly to enhance patient services and to purchase needed equipment. Sometimes the tax and government dollars don't cover all those things.

In 1997, the Rainy River district community policing committee beckoned. Its mandate is to act as a liaison between all the district communities and the local police services. In this case our whole district is OPP-served. It's to provide a safe environment in which to live, work, play and prosper.

A subcommittee of the community policing committee that I sit on is the school violence prevention team. Its members are made up of educators, administration from the schools, parents, and service groups such as the United Native Friendship Centre. We also have people from the SAP program, the safety coalition and four members from the community policing committee. Its mandate is to address the problem of violence and bullying throughout the school system, to find solutions to said problems and to educate the public and the students as to the ramifications of such offensive behaviours.

The committee's results are, in my opinion, quite astounding. Through our getting together with those members, the school board has approved zero tolerance for bullying and violence within the school community. They've also initiated an anti-bullying curriculum, which is taught in both the elementary and secondary panels.

We have established an OPP liaison office in the high school. We introduced Crime Stoppers to the secondary system, and one event we're very proud of is an expansion of the DARE program to include grade 10. We had an OPP officer who sat on our committee and took it upon himself to Canadianize the grade 10 program, which had been borrowed from the United States. It is a first in Canada.

We received a certificate from the Ontario crime fighters, mainly because of the expansion of the DARE program to the grade 10 level. Right as we speak, we have just been nominated for a safety award—this is the school violence prevention team—by the local chamber of commerce.

My reasons for reapplying for this position on the Town of Fort Frances Police Services Board are numerous. Firstly, I've enjoyed the challenges presented to the board at the local level. I also relish the problem-solving aspects of the position. I would bring to this position many years of experience on various community committees as well as the two sessions on the police services board. These experiences that I have cited can only aid in the information factor needed in the decision-making process. One cannot make informed decisions in a vacuum.

Ontario's police services boards are charged with providing communities with effective and adequate policing, which includes responsibility for law enforcement, crime prevention, maintenance of public order, assistance to victims of crime and of course emergency response. If all of these cited responsibilities are met, the end result should be an adequate and efficient policing agency and a safe environment in which to live, work and raise our children, because a safe environment is a necessity of living. Thank you very much for your time.

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The Chair: Thank you very much, Ms Reid, for your extensive presentation. Before we begin with Ms Horwath, I'll just let the government members know that Ms Reid's presentation has taken up all but two minutes of your time, so be preparing any questions that you may have. Ms Horwath, the floor is yours.

Ms Horwath: Welcome. I'm going to ask the first few questions because you didn't mention them in your speech, and that is about your party affiliation and donations to political parties.

Ms Reid: I am a card-carrying Liberal.

Ms Horwath: You donate to the Liberal Party on a regular basis?

Ms Reid: Yes.

Ms Horwath: I'm just wondering if you could tell me why it was that the municipal council didn't reappoint you. Were you at the end of a term?

Ms Reid: Yes, I was pretty close. It was five years. I thought also of opening up the municipal appointee, therefore getting new people on to the board, and hopefully there could be a provincial appointment on my behalf.

Ms Horwath: So you didn't apply through the municipal process—you waited for this process?

Ms Reid: I was encouraged to by the police services board that I had just left, and then I applied to the ministry. I had a conversation with Mary McDonald and filled out the application form. I also had an interview, and then I was asked to have my resumé sent to the standing committee.

Ms Horwath: You gave a really good description of some of the initiatives you've been undertaking in the community, and they're quite impressive. What would you say continue to be the main, outstanding policing issues in Fort Frances?

Ms Reid: Public safety, of course, reduction of violent and property crime, and I think it's very important too that we educate the public. Educating our youth and the use of the DARE program is very important; also, community policing is very important. Our community polic-

ing officers are teaching the DARE program in the schools; children are getting to know them on a human level—not just the person who's wearing the uniform and driving the cruiser, but as a person, and I think that's very important.

Ms Horwath: It's interesting because in my community there's always a struggle between the requirements of reactive policing, because of crime and other of-the-moment issues, and the more proactive approach that you're talking about, the more crime-reduction, proactive approach. Any suggestions on how you find ways to make sure that you cover off the reactive, of course, but find the resources for the proactive?

Ms Reid: That seems to be the problem right now, as always with any group. The budget is one of the major problems, but we find with combining resources like the school board, the SAC committee, the safety coalition, whatnot, they're very willing to give to those causes that involve children. That's where we're focusing our education at this point in time; you know, get them while they're young.

Ms Horwath: So through other connections and other networks with other community agencies.

Ms Reid: Yes.

Ms Horwath: One of the big debates currently in the province of Ontario is the use of photo radar. Do you have any opinion on whether photo radar would be a good thing for the community of Fort Frances?

Ms Reid: Again, and I hate to repeat this, we are having all sorts of budgetary problems, and apparently it has been downloaded to the municipal level, so it's a thing I can't see happening in Fort Frances in particular. I would never want the appearance of a police officer in a cruiser to leave the situation. I think it's another tool, but I don't think it should be one or the other. It has to be together. Then again, it's always the financial cost.

Ms Horwath: Just on a similar issue of current trends—and you mentioned children a lot in your discussion—one of the things we see a lot of the communities in Ontario doing is the red alert, where there's an alert code and children are put into the corner by the teacher's desk to be safe and sound in case there's a terrorist attack or some kind of attack on the school, or someone wielding a gun. Do you have any opinion on that approach and whether or not it's something that would be appropriate to look at on a broader scale across the province?

Ms Reid: I know the school board in Fort Frances has an emergency measures act in each and every school. As to the details of that, I'm not quite sure. Because it's such a small community, there's always this communication between the police force and the schools. Again, it's basically because of the DARE program that the police feel comfortable in the teaching and school community. The administration of the school board feels very comfortable in asking their advice.

Ms Horwath: So at this point, something like that wouldn't be necessary or appropriate.

Ms Reid: No.

Ms Horwath: The last question is just around officers themselves. Again, I'm not sure in your particular experience whether this is an issue—I know it has come up in some of the larger centres—and that is the issue of drug testing for police officers. There's some debate as to whether that should be a normal process or a regular event that takes place—a policy that's put in place by the police services board in terms of monitoring officers, particularly those who are dealing with vice and drug-type areas. Any opinion on that?

Ms Reid: I know it's a fact in some areas of our lives already: professional sports, Olympic athletes. Some major industries do it as well. Myself, I feel that probably some random testing, maybe, but I'm not quite sure. I think I'd need to hear more about it before I could state my opinion.

The Chair: To the government members.

Mr Levac: Very briefly, I deeply appreciate your service to the community, obviously. I understand the switch you're making. That happens in a lot of the communities across the province. Thank you for your contribution to the democratic process.

You mentioned police resource teachers in the schools. Just a little bit of bring-and-brag: We were the first jurisdiction to have it in Ontario. It was very successful, and I congratulate you on working with the OPP and the schools to put that in.

Do you have any background or understanding of what's happening in the new trends regarding senior resource officers for senior citizens in ridings? Has your police services board ever brought that up in terms of protection and all the different things that are happening to seniors?

Ms Reid: No, we don't have anything formal in place, but I know that the community policing officers are very involved with the senior citizen centres in Fort Frances, and that's how they make their communications back and forth. But there's nothing formal as far as I know.

Mr Levac: A great first step. I think, Mr Chair, I'll leave it at that. I know we're scoped for time. I appreciate it.

The Chair: To the opposition.

Mr Tascona: Thank you for coming here today. I appreciate it.

I just want to ask you a couple of questions in terms of policing, because the NDP member covered most of it. You've got some experience on the board. The police complaints civilian oversight system is currently under review by the Attorney General. Do you have any thoughts on whether the system should be changed? What has been your experience on your board with respect to police complaints?

Ms Reid: So far, it has been handled internally, as most places in Ontario, but I think if it comes into fruition, some civilian oversight wouldn't be something that I would be against.

Mr Tascona: There may be a cost to that with respect to that type of bureaucracy. There may be a cost coming on to your own board. Are you aware of that?

Ms Reid: Well, I wasn't thinking of the cost factor; I was thinking that it might be a volunteer position.

Mr Tascona: I think the system that was in place prior to our government did have some of the—in the current system, there's an internal process within your police board.

Ms Reid: Police policing themselves.

Mr Tascona: Then we have OCCPS, which would review that, which is the public review.

Ms Reid: Yes, those are the steps.

Mr Tascona: I think what they're looking at is whether there should be another step or whether there should be no internal process, the internal process being replaced by a public process and then OCCPS review. What are your thoughts?

Ms Reid: I wasn't aware of that.

Mr Tascona: Yes, that's what had happened before. The first step was a public process, similar to the Human Rights Commission in terms of an intake officer and then a complaint review—a bureaucratic process. I think it was quite litigious, actually, with respect to police officers having to get representation, not only at the first stage but also at the second stage. Would your view change on that if it was changed to that type of process, a two-step public process, as opposed to the internal versus the OCCPS review, which is currently in place?

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Ms Reid: Either/or? I think that the inclusion of some sort of civilian or outside agency would be to the advantage of all parties.

Mr Tascona: And there is currently.

Ms Reid: Yes.

Mr Tascona: The OCCPS is a civilian overview.

Ms Reid: Yes. And I think that—

Mr Tascona: So that's the current system. Would you think that the current system is satisfactory, then?

Ms Reid: To my knowledge, it has worked so far. I haven't heard anything extremely negative about it. But I'm always open to suggestions. If it's not working in other places, then maybe it's time to review it.

Mr Tascona: But in Fort Frances it has been working, the police complaints process?

Ms Reid: Yes. But if it's something that needs to be addressed, by all means, it should be.

Mr Tascona: I hear your caution.

How much do you get paid for your board?

Ms Reid: I haven't been on it for a whole year; I've forgotten. It's very minuscule.

Mr Tascona: You mentioned some financial issues and some pressures for your area. The town of Fort Frances policing services is currently under an OPP contract.

Ms Reid: Right.

Mr Tascona: Do you favour keeping this arrangement in place?

Ms Reid: Very much so. It is a bit more expensive, but the perks, the things that we are able to access because of the OPP affiliation—if the crime scene investigators come from Thunder Bay at a moment's notice and whatnot. Before, it was if you're a municipal force police, they'll get there, but now that we're part of that whole process, things move a lot faster.

Mr Tascona: In your opening statement you indicated—and I may not have it correct, but you can correct me—your husband, who is Tom Reid, is related to—?

Ms Reid: Patrick Reid.

Mr Tascona: To Patrick Reid.

Ms Reid: And John.

Mr Tascona: Is Patrick Reid involved with the Liberal Party?

Ms Reid: He was at one time.

Mr Tascona: What was his involvement?

Ms Reid: He was the MPP for our area.

Mr Tascona: So Patrick Reid was the MPP for Rainy River. Was he also the president of the Ontario Liberal Party?

Ms Reid: Not to my knowledge.

Mr Tascona: And you've indicated you're a card-carrying member of the Ontario Liberal Party?

Ms Reid: Right.

Mr Tascona: I take it you've contributed financially to the party.

Ms Reid: Yes.

Mr Tascona: Those are all my questions. Laurie has some.

Ms Scott: Thank you for appearing here today. I want to add my thanks, as Mr Levac has, for your community involvement and especially for your work with the youth programs in your community.

I didn't know if youth crime was high in Fort Frances or not, but has there been a difference since you've started the programs with youth in the schools?

Ms Reid: The principals tell me the incidents are down. They're the people with power and in control, and they keep track of it. So if they say they are, I guess I have to believe that they are. It is a problem.

Ms Scott: It is? Higher than the average?

Ms Reid: Oh, no.

Ms Scott: But it is just a problem.

Ms Reid: Yeah. And because it's such a small community, everybody hears about it, and it grows. There might be a fight in the schoolyard, and all of a sudden it's blown out of proportion and it becomes a major topic.

Ms Scott: So when you were on the police board, was there a lot of youth crime? Was there discussion about that? Were there concerns about the amount of youth crime in the area?

Ms Reid: Yes. The community policing officers, I must say, are doing a fabulous job. They spend a lot of time not just involved with the DARE program, but they make their presence known. The liaison office in the high school has really worked, because the kids know when they're there. There's a sign out saying that they're on duty. They have their own office, and they come in and discuss.

Just walking down the hall is a deterrent, as there were some things going on in the hall, some swarming and

things like that. Because of the presence of the police officers, all that seems to have disappeared.

Ms Scott: So you do agree with the OPP? You used to have a municipal policing—

Ms Reid: Yes.

Ms Scott: How many years has that been gone now?

Ms Reid: They made the change in 1996.

Ms Scott: So we're at eight years. That's a lot.

Ms Reid: Into our second contract.

Ms Scott: Was there a lot of difficulty in the community, a lot of hurt feelings when the municipal police force was taken away?

Ms Reid: Actually, when the OPP took over, those officers that were in place on the municipal force were allowed to move to the OPP. I wasn't on the police services board then, but I think they had at that time six months or a year in which to decide whether on not they wanted to stay or if they fit into the program.

Ms Scott: So the community kind of just evolved and there wasn't much conflict? I just ask that because other communities in Ontario are looking at those issues, and I wondered about your experience in the past.

Ms Reid: For us it has worked well, in my opinion.

Ms Scott: That's all, Mr Chair. Thank you very much for your comments.

The Chair: Thank you very much to our members. Ms Reid, thank you very much for your presentation and for responding to our members' questions.

We now move to the concurrence part of our consideration in the same order that the intended appointees appeared before us. We will now consider the intended appointment of Marsha M. Farnand, intended appointee as member of the Social Benefits Tribunal.

Mr Berardinetti: I move concurrence.

The Chair: Mr Berardinetti moves concurrence. Any discussion?

Ms Horwath: I'm a little bit concerned because during Ms Scott's questioning, the intended appointee indicated that she was, in fact, mostly responsible for the Hamilton area, which totally contradicted what she said to me, which is that it was a broad responsibility across the province. I really do have some concerns that were raised by advocates in my particular community, who have real concerns that a CPO shouldn't move directly from that position to a position on the tribunal, suggesting, in fact, that it causes serious concern in terms of the public interest in terms of whether or not the public has confidence in the ability of the tribunal to remain unbiased. So as a result, I won't be able to support that appointment.

The Chair: Thank you for your comments. Anything further? Seeing none, I will now move to the vote. All in favour of the intended appointment of Ms Farnand? All those opposed? It is carried.

Interjection.

The Chair: Make sure you say it next time.

We will now consider the intended appointment of Richard J. Corcelli, intended appointee as member of the Ontario Rental Housing Tribunal.

Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell): I move concurrence.

The Chair: Concurrence in this appointment has been moved by Mr Lalonde. Is there any discussion? Seeing none, all those in favour of this motion, please raise their hands. Any opposed? The motion is carried. Mr Corcelli, congratulations and best wishes to you.

We will now consider the intended appointment of Kevin Doyle, intended appointee as member, Health Professions Regulatory Advisory Council.

Interjection.

The Chair: Concurrence in this appointment has been moved by Mr Berardinetti. Any discussion? Seeing none, all those in favour? Any opposed? Seeing none, the motion is carried. Congratulations, Mr Doyle, and all the best on HPRAC.

We will now consider the intended appointment of Patricia J. Reid, intended appointee as member, Town of Fort Frances Police Services Board.

Interjection.

The Chair: Concurrence in the appointment has been moved by Mr Berardinetti. Any comments on Ms Reid's intended appointment? Seeing none, all those in favour? Any opposed? Seeing none, the motion is carried. Ms Reid, congratulations. Definitely worth the trip here from Fort Frances this morning.

COMMITTEE BUSINESS

The Chair: Mr Tascona is indicating he wanted to bring up a point in other business. Let me, as Chair, say two things to begin with: Members should know there will be no meeting next week or the week thereafter. The next meeting of the committee is currently scheduled for November 17, 2004. Members will know that constituency week is the week before that, I believe, and we should have more intended appointees to review for November 17.

Before Mr Tascona's point—I think I know what Mr Tascona wants to bring up—I think we have enjoyed in this committee to date a very professional and civil round of discussions and debate, and I ask members to continue that tone. The floor, Mr Tascona.

Mr Tascona: Thank you, Mr Chairman. Do we have some appointees to review for November 17?

The Chair: At this point, no.

Mr Tascona: The determination of the date for the committee to meet—it's my understanding that the subcommittee was to make those decisions, and it appears to be made by the call of the Chair. That's not my understanding of how it should work, and it has been working that way.

The Chair: Well, listen, I'm new to this Chair position—

Mr Tascona: No, I'm not talking about you; it happened before too.

The Chair: I'm willing to work with the subcommittee on the appropriate dates. My understanding right now, is there are no appointees to review, so unless

there is other business we could attend to, there are no appointees to review. We anticipate some for November 17.

1150

Mr Tascona: But in the future, Mr Chairman, if the subcommittee could be consulted, if we work together we can determine the dates. I think that's how the process is supposed to work, from my understanding of the orders for this committee. If that's OK, I would like that to be the future practice.

The Chair: I have no problem as Chair. We can get together as a subcommittee in the near future to discuss that. My understanding is that there's a system in place where the certificates come from—is it the Cabinet Office, the appointments secretariat?—to let subcommittee members know which OICs have gone through. Subcommittee members then indicate through the Chair those they'd like to call forward. We don't have any certificates that have come forward, and as such no appointees to review until at least November 17. That having been said, if we get the subcommittee together in the near future, we can do so.

Mr Tascona: All I'm asking, and I think Lorenzo is nodding agreement and so is Ms Horwath, is that we be consulted so we can agree on the dates. We're not trying to hold up any appointments, but I thought that might be an approach we could work on.

Mr Berardinetti: Maybe the committee clerk could explain the process—I think she has before—in the sense that if appointments do come up before then, the Chair could meet with the subcommittee to arrange a meeting date before November 17. That's my understanding. Maybe the clerk could explain.

The Clerk of the Committee (Susan Sourial): There's always a time lag between receiving a certificate and getting the subcommittee to choose a selection. The last certificate was a week ago Friday. There were no selections, so we have nobody to interview next week. The next certificate won't come out till this Friday, and the next selections won't be till next Thursday. So the next meeting couldn't be until constituency week, and there's no meeting in constituency week. So because of the time lag in the process, we can't have a meeting before the 17th because there are no selections from the subcommittee.

Mr Tascona: That's fine, but I think the subcommittee should be consulted about dates. That's all I'm saying.

The Clerk of the Committee: The committee meets every Wednesday if there are intended appointees. If there are no intended appointees, there's no meeting.

Mr Levac: The dates are already established, Joe.

Mr Tascona: Wednesdays. OK, that's fair.

The other thing I want to comment on is with respect to getting the background of the appointees and also getting information on the particular agencies. Is it possible for those to come together, as opposed to getting them separately?

The Clerk of the Committee: That was an error.

Mr Tascona: There seems to be a time lag on that.

The Clerk of the Committee: Usually they should be sent out together. There was an error.

Mr Tascona: That's fine.

The only other comment is that I do take exception to the remarks made by the member from North Bay with respect to what was said there. I do not appreciate it, and I think it's unparliamentary. I ask her to withdraw that and apologize right now.

The Chair: Ms Smith, any comment?

Ms Smith: I certainly wasn't making any characterizations of the member from Simcoe; I was characterizing his tone. I did apologize earlier, and if he took offence, I apologize again.

Mr Tascona: Noted.

The Chair: Fair enough, folks; we'll consider the matter concluded. We look forward to our next meeting. If we get a chance for the subcommittee to get together in the meantime, we'll look forward to seeing your friendly faces again. Thanks, and have a good afternoon.

We are now adjourned.

The committee adjourned at 1158.

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Wednesday 17 November 2004

Journal des débats (Hansard)

Mercredi 17 novembre 2004

Standing committee on government agencies

Intended appointments

Comité permanent des organismes gouvernementaux

Nominations prévues



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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 17 November 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 17 novembre 2004

The committee met at 1004 in room 151.

SUBCOMMITTEE REPORTS

The Chair (Mr Tim Hudak): Good morning, folks. Welcome back to the standing committee on government agencies. We will now commence the meeting. Welcome to our intended appointees. We have some regular business to attend to before our first intended appointee is called forward.

Our first order of business is the report of the subcommittee on committee business, dated Thursday, October 28, 2004.

Mr Lorenzo Berardinetti (Scarborough Southwest): I move adoption of the report.

The Chair: Any discussion? Seeing no discussion, all in favour? Opposed? It is carried.

Our next order of business is the report of the subcommittee on committee business, dated Friday, November 12, 2004.

Mr Ernie Parsons (Prince Edward-Hastings): I so move.

The Chair: Mr Parsons moves its adoption. Any debate? Seeing none, all in favour? Any opposed? It is carried.

COMMITTEE BUSINESS

The Chair: Is there any other business before I move ahead to our intended appointees? Mr Tascona.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I have a letter, dated November 15, to yourself. I don't know if everyone has that in front of them.

The Chair: This is from the government House leader.

Mr Tascona: Yes, from the Honourable Dwight Duncan, government House leader. It deals with your letter that was sent from the standing committee on government agencies.

There are two issues. The first has to do with the press releases. He states:

"The committee has raised the issue of press releases, announcing intended appointments in advance of the standing committee receiving OIC certificates of intended appointments. The issuance of press releases for proposed appointments is a long-standing practice, and press releases for proposed appointments state that the appointments are intended, not confirmed. As such, the issuance of a press release does not impede the work of the standing committee in its review of intended OIC appointments."

That's the opinion of the government House leader. I am not aware, and I spoke to a person in the Clerk's office, of there being any long-standing practice. There are precedents for press releases being issued for major appointments. So I would take issue that there is a long-standing practice. I think that practice, whatever he's saying it is, should stop. That was the point of this letter with respect to press releases being issued before we even do our work.

I don't care what he says about saying they're intended, they're not confirmed. I think it's a matter of arrogance to issue press releases about people who are not even before the committee. It hasn't been reviewed by the committee. It hasn't been voted on by the committee. I want that position put forth, and if the Chair feels it appropriate, I think it should be relayed to the Honourable Dwight Duncan that this long-standing practice—in his words, long-standing practice; I don't believe it is—should cease and desist with respect to issuing press releases, because I think it is undermining the work of this committee. Certainly, I think it's a direction to the government members that this is something the government is going to do. I don't know how they can have any independence if the government has already put out a press release of these people being appointed to these particular committees.

We have to face the reality of the situation. I know Mr Parsons wants to speak. The bottom line is that there has to be some independence. The government already has the majority on this committee. This letter from the government House leader is making this committee a joke, in my opinion, a complete joke, and that's regardless of what I've said about the OIC certificates of intended appointments. We don't even deal with ministerial letters, which are outside the purview of this.

The next paragraph deals with the standing orders. He says:

"In addition, the committee has asked the House leaders to discuss the type of appointments that the standing committee can review. Within the near future, there will be a review of the standing orders. At that time, I will be pleased to discuss this issue with the other House leaders. Please ensure that you relay your sug-

gestions to your House leader, in addition to the correspondence that you have relayed to me."

We're a committee. To me, this is another affront to the committee process, that we have to go through our House leaders. If this committee is going to work and the standing committee process is going to work within the Legislature, they have to have some independence as a group. Certainly, the meeting on discussing standing orders is one thing, but we're putting in a suggestion through this committee in terms of the purview and what we can review.

It would be nice to have unanimous consent on that. Certainly, that's something I want to discuss in this committee, in terms of us going forth and saying we want a broader mandate with respect to what we can review, and it to be an official position of this committee. If this committee doesn't want to do that, it will be because the government majority will have the final say of the day, of course, but I don't know why we would not want to expand our purview in terms of appointments reviews.

1010

I think this should be on the agenda. I don't want to hold up the appointees today, but I think at the next meeting we have, we should put on the agenda a motion from this committee to put to the government that we want to increase our purview in terms of what we're doing. Also, the press releases have to stop with respect to maintaining the sanctity of the independence of this committee.

That's something I would like to put forth for next day. Certainly the Chairman can consider that. If anyone has some suggestions about how they want to phrase that motion, it would be appreciated, but I think we're going to have to take a position, as the standing committee on government agencies. After all, this committee is struck by the Legislature and it has to have some meaning. Obviously, the standing orders dictate our jurisdiction but, at the same time, we have to show how we're working.

The next issue I want to deal with is the process issue. Alex Cullen was listed on the certificate as a municipal nominee to the—

The Chair: Just before we leave your advice on that first topic, you're suggesting that should be part of our agenda for the next regular meeting of this committee?

Mr Tascona: Yes.

The Chair: Do you want to discuss this topic, because I know Mr Parsons wants to respond to the first, or do you want to get through both of your points?

Mr Tascona: I have another point, but if Ernie should respond, I certainly don't have any problem.

The Chair: Why don't we confine discussion for now to Mr Tascona's first two points, with respect to the press releases and the Honourable Dwight Duncan's response letter to mine as Chair, and the second being the greater scope for the committee to call intended appointees.

Mr Parsons: I can't verify what's meant by long-standing practice, but I know that what this committee is doing was the practice of the previous government. I suspect the honourable member either was on this committee previously or subbed in at some time during the period. I don't believe this issue was raised at the time the previous government was in office and held the majority on this committee and could have changed the rules at that time.

There have inadvertently been two instances where the appointees were identified as appointed. We apologized for that, and we apologize again, if it helps. That should not happen. But to indicate publicly that they have been nominated, I'm just astounded that that's viewed as arrogance to this committee.

I would draw an analogy. I believe the honourable member made known that he was standing for election to office prior to the day the actual election took place, which I don't think was arrogance to the electorate at that time to let them know. When in fact the certificates are released, I would suggest that they, in some ways, become semi-public at that time when the lists are distributed to each and every one of the members. The indications have been very clear that they are intended appointees. We make no apologies for that. They still follow public scrutiny. I just simply think that it is politicking to state that there is an affront to the committee at all. The entire caucus of all three parties knows what's happening at that time.

With regard to the second one, as to which ones we interview, sure, if you want to interview civil servants, we'll interview civil servants, but I don't believe it's within our purview to do it. The standing orders cannot be modified or amended by this committee. There is an opportunity for the three House leaders to get together, and I would urge Mr Tascona to make his point clearly to his House leader at the time it's discussed. But the standing orders cannot be changed by this committee.

I do hesitate to see this issue prolonged, in the sense that we have people who have come here. If the member wishes to make a motion, we'd be happy to deal with it now. Let's get it over with and let's get on to the real purpose of this committee, which is to interview and confirm or not confirm nominees.

The Chair: Before we get to Mr Tascona's second item that he wanted to bring up—

Mr Tascona: I want to respond.

The Chair: Just give me a second. Are there others on the committee who want to enter into this particular debate? Ms Horwath will.

I think Mr Tascona's first point was that he would actually want to have this as an item on our next agenda so we can plan for it and so as not to delay the intended appointees, right? That's what your original suggestion was?

Mr Tascona: It is part of the "Other Business." The bottom line is, we're not here just to review appointees. This committee can review agencies, and there are other things. But the point of the matter is, ministerial letters are not civil servant appointments. It's another method of appointing people to agencies, commissions and boards. That's the first point.

The member for Hamilton East wants to speak, and I'll leave it there for the moment. But the bottom line is, I'm not going to go through this every time. I'm delaying people being interviewed. Well, I'm sorry. The committee has to do something here besides just—we've got "Other business" on the agenda. I've got a right to raise it, and I'm raising it. It's your letter. I don't think it's politicking. I guess you're politicking by having sent the letter to the leader.

The Chair: Ms Horwath?

Ms Andrea Horwath (Hamilton East): No comments really, Mr Chair, except that we should perhaps be talking about setting aside 15 minutes or so and beginning our appointees' invitations for 10:15 as opposed to 10 o'clock, thus providing us the opportunity to deal with—

The Chair: That's what I'm inclined to do, which was Mr Tascona's first suggestion: to table this discussion for the time being, and in the next regular meeting of this committee set aside some debate time. That way we won't delay our intended appointees who are here expecting a 10 o'clock. We'll try to work out something that's fair in terms of debate time.

Mr Parsons: We're happy, as long as there's a solution determined at some time, rather than this becoming a weekly event.

The Chair: I'm inclined to actually set aside time in the agenda so we can let our intended appointees know accordingly. I appreciate Ms Horwath's suggestion in that regard.

You had a second point?

Mr Tascona: Alex Cullen was listed on the certificate as a municipal nominee to the Champlain District Health Council. What worries me is that his biographical information makes no mention of the fact that he is a former MPP. Not only is he a former MPP, but he was also a member of this committee.

I cannot believe that he tried to hide this background. The biography of Mr Cullen from the city of Ottawa site clearly makes mention of the time he spent as an MPP. It's not like he was a stranger to this place. Many members of the Liberal and NDP caucuses know who he is. Some of our own caucus also remember him. Why is it that his biographical summary information fails to mention this? Is this something that is being hidden for political reasons? It just mystifies me how something this significant can be overlooked. It is something that also concerns me. How are we supposed to make recommendations on who should be called to appear before the committee if we do not have complete information coming to us from the Public Appointments Secretariat? Are we supposed to call everybody on every certificate to appear before this committee simply so that we can obtain accurate information about them? I think you have that on record, what was put forth in terms of his background. We have his resumé and also what was put forth to us.

Those are the points I want to make on that. Once again, the information that I think is important for us to be able to do our job is not being provided.

The Chair: Any comments?

Mr Parsons: I don't know whether this nonsense is unparliamentary or not, but that's my reaction. Each person who applies for any position to the Public Appointments Secretariat chooses the information that they wish to submit. I would suggest to you that over the life of this Legislature, not everyone has put down every fact. One would even question whether that information the member has referred to is pertinent to the appointment. I believe what a candidate attempts to do is to put forward the information that is pertinent to show that they are the best candidate. This committee exists if you want to question that.

I'm very uncomfortable with questioning the qualifications without the individual here. If there's any hesitation, call the individual. You have an opportunity to question them. But they are not going to put their entire life story down. It is only reasonable that they put down what they believe will show that they are qualified for this appointment.

Mr Tascona: I just want to point out for the record that everything we're putting forth here Mr Parsons seems to think is just political and just complete nonsense. That's what I'm getting, the drift here.

Our role here is to make sure not only that we review and interview intended appointees; our role here is to make sure that we get the full information for us to make a conscious decision to put the best people in place on the agencies, boards or commissions, which are in excess of 500. The other part of the matter is, dealing with this process, that's a glaring oversight. The bottom line is, this role that we play here is not just to deal with intended appointees. We also have a mandate under the standing orders to do other things, which I think I will be starting to pursue.

That's all I have to say, Mr Chair.

1020

The Chair: The point is noted, as well as Mr Parsons's response. Any other items for discussion before I move to our first intended appointee? Thank you.

INTENDED APPOINTMENTS

ROD STORK

Review of intended appointment, selected by third party: Rod Stork, intended appointee as member and chair, Agriculture, Food and Rural Affairs Appeal Tribunal and Board of Negotiation.

The Chair: I'd like to call forward Mr Rodney D. Stork. My wife and I are hoping Mr Stork will arrive at some point in time, so welcome, sir.

Mr Parsons: That is cheap.

The Chair: You've got to lighten things up every once in a while.

Mr Stork is intended appointee as member and chair of the Agriculture, Food and Rural Affairs committee.

Mr Stork, welcome. Obviously, you've been to this committee in the past, judging by your bio, I believe.

Mr Rod Stork: First time here.

The Chair: Then I misread it. It shows what I know.

We have a total of 30 minutes where we divide it among the three different parties. You're welcome to make some introductory remarks about yourself, your qualifications. Any time you take, by tradition, is taken from the government side. We'll do a rotation on questions, and because we started with the third party last time, the government will begin with any questions that they may have. So, Mr Stork, welcome. The floor is yours.

Mr Stork: Good morning, Chair and committee members. Thank you for giving me the opportunity to meet with you this morning to consider my appointment as member and chair of the Agriculture, Food and Rural Affairs Appeal Tribunal.

I believe you've all received my resumé prior to this meeting, so please allow me now just to take a few minutes to outline why I'm interested in this appointment and how I might be able to contribute effectively to the operation of the tribunal.

I've spent my entire professional career working with the multi-million dollar agri-food sector in Ontario. This has involved working in a number of wide-ranging positions within the Ministry of Agriculture and Food and in numerous locations across the province of Ontario.

I was born and raised on a beef, cow, calf and grain farm in Saskatchewan and, after completing university in Saskatoon, I moved to Ontario to work with the ministry, beginning in 1970. I completed my career with the ministry on September 3 of this year, finishing in my role as chairman of the Ontario Farm Products Marketing Commission. The commission oversees the operation of the regulated marketing system in this province under the Ontario Farm Products Marketing Act and the Milk Act.

During my career with the ministry, I have seen tremendous change in the agri-food sector in this province, but one constant has been the continued importance of the entire sector to the economy of the province of Ontario.

The tribunal is one of the agencies within the ministry which provides a valuable service to those involved in the agri-food sector to ensure that producers, suppliers, processors and others have an avenue to raise concerns, issues, appeals and complaints as a result of actions taken under legislation impacting the agri-food sector in this province.

The tribunal is a quasi-judicial body that exercises the jurisdiction of five now-defunct agencies: the Crop Insurance Appeal Board, the Farm Implements Board, the Farm Organizations Accreditation Tribunal, the Farm Products Appeal Tribunal, and the Ontario Drainage Tribunal.

In addition, the tribunal hears appeals of licensing decisions under a number of statutes, acts as the board of negotiations under section 172 of the Environmental Protection Act, hears certain appeals under the Assessment Act concerning the farm property class, and adjudicates disputes under the Agricultural Employees Protection Act.

While I'm not familiar and will not pretend to you that I'm familiar with each and every detail of all of the above acts, my experience working with the ministry has given me a good insight into the types of issues that arise under the various pieces of legislation that I noted.

Having been the appointed chair of the Farm Products Marketing Commission, I have had a great deal of opportunity over the last four and a half years to apply my strong communication, facilitation, leadership, negotiation and mediation skills, which are required in this role.

I also believe very strongly in the right of individuals or groups of individuals to have a further forum to raise concerns where decisions rendered or actions taken unduly affect the individuals, at least in their own minds. I believe the tribunal plays a tremendous role in allowing that further forum.

When you combine this belief with my interest in and desire to stay involved with the agri-food sector in this province, the opportunity to be involved with the tribunal seemed a natural fit when I was approached about my interest in the position back in the early summer of 2004.

I believe there are some key areas to keep in mind when we look at the effective operation of the tribunal and future roles that the tribunal might play; for instance:

—Are there statutes or pieces of legislation that could fall under the mandate of the tribunal with regard to having a mechanism of appeal or complaint for those aggrieved by decisions?

—Ensuring that there's a well-qualified roster of people representing the various components of the agri-food sector appointed to the tribunal, thus allowing each and every complaint or appeal to receive an unbiased and effective hearing;

—Ensuring that the tribunal operates in a manner that is seen above reproach, thus providing that peer review of appeals or complaints that will allow those involved in the process to feel they did have a fair hearing;

—Ensuring that participants in the hearings understand the process that is used so that it does not become overwhelming for all of those involved.

I believe my background and skills are well suited to the position of chairman of the tribunal. I would look forward to applying these skills with the committee's support of my appointment to the tribunal.

Thank you, and I'd be prepared to answer any questions at this time.

The Chair: Outstanding. Thank you, Mr Stork.

It goes to the government side. You have about six minutes' time.

Mr Parsons: Have you ever been a member of the Legislature or a member of this committee?

Mr Stork: No, sir, I have not.

Mr Parsons: You should have noted that on the resumé. Seriously, no. Thank you very much for applying. Your qualifications are most impressive.

Mr Stork: Thank you.

The Chair: Any others? To the official opposition.

Mr Berardinetti: That was my question.

The Chair: He does look familiar.

Mr Stork: We've seen you, sir, but not in this room.

Ms Laurie Scott (Haliburton-Victoria-Brock): Thank you very much for appearing before us today. You do have an extensive history and your qualifications are quite impressive. Are you retired now?

Mr Stork: I retired September 3 of this year. I do want to make sure the committee understands I'm currently on vacation, using up vacation credits that I accumulated over the years, until the end of December. So if my appointment is to go ahead—and I've told everyone this since I was approached about this—I would not be eligible to take on this role until January 1. I'm still very much interested in it, but currently on vacation. That's where I'm at.

Ms Scott: Obviously you're inside, so you heard about the appointment. You just knew it was coming up? Why this committee?

Mr Stork: I was approached back in the early summer of this year by one of our senior staff members of the Ministry of Agriculture and Food, who actually oversees the tribunal in terms of staffing. At that time, it was indicated to me that there might be a change in the chair position, and would I be interested in letting my name go forward on a roster as a potential candidate? I thought about it and then went back to the senior staff person and indicated that I would because it was something that did appeal to me and, as I indicated in my notes, would keep me involved in this industry that I'm very passionate about and have worked in for a long time.

Ms Scott: That's great. The senior staff person, can you divulge the name?

Mr Stork: Yes. It was Bonnie Winchester, who is the assistant deputy minister of the food industry division with OMAF.

Ms Scott: They know you quite well. Did you have an interview process at all or just very informal?

Mr Stork: No, none of that, Ms Scott. I was asked if I would present a resumé. I did so, and then I was told that my name would be going forward as part of a list. That's how I understood it at that time.

Ms Scott: Part of your responsibilities certainly will be dealing with the Minister and the Deputy Minister. What do you see as the main issues before the tribunal? I ask that because I'm very happy that you want to stay involved in the agri-food industry. Especially with the crisis that's going on in the agriculture industry, someone with your background is going to be very important. For example, AgriCorp is taking over the CAIS program right now. Do you feel that you're going to be seeing a lot of that before the tribunal? How is it functioning now? I know it's a new program, but you're going to take it over. Is it December 1 that AgriCorp takes it over?

Mr Stork: Yes, I believe. That transition was just starting when I left the ministry, but my understanding is that transition is happening as we speak.

My sense is that the tribunal won't necessarily hear any more or fewer hearings or complaints or appeals coming forward whether the CAIS program is under AgriCorp or not. That's one of the areas that I think needs to be looked at, whether there needs to be any additional roles and responsibilities applied to the tribunal. Right now, all the tribunal hears with regard to AgriCorp is under the Crop Insurance Act and complaints brought by individual farmers who feel they have not received a fair settlement under the Crop Insurance Act.

There are a lot of challenges in the industry, clearly, but I'm not sure it's going to mean any more or fewer things coming forward to the tribunal. The tribunal is there to meet individual concerns where they feel that they may have been aggrieved by decisions under existing legislation. I know from my background with the commission, we had instances where decisions that the commission made were taken to the tribunal, and that's quite fair. That's a system I believe in very strongly and that we should have, where that other voice can be heard or another voice can be brought into the mix to hear those concerns and then provide a follow-up ruling, if necessary.

1030

Ms Scott: I come from a predominantly agricultural area, Haliburton-Victoria-Brock. I'm trying to assist farmers in my area right now with the CAIS program, actually getting the money and what money is coming. You've been with the ministry. Do you have any comment on how the CAIS program has worked so far, or do you see any ways that improvements can be made? Can you comment at this time?

Mr Stork: I don't really have any specific comments to make. When I was chair of the commission, obviously CAIS was part of the ministry's role in terms of delivering that at the provincial level. I know concerns have been raised by individual farmers and farm organizations. It's a very challenging task to administer a program in a federal-provincial agreement. I think we all know those, across the board, in any sector we might deal in. It's just incumbent on the ministry, government and agricultural organizations in this province to continue to work together to make sure the intended use and the intended beneficiaries of the program get their support for any program in the most efficient way possible. I'd leave it at that, at this point.

Ms Scott: So I guess we'll wait and see which cases are going to be brought before the tribunal.

You also are going to be hearing before the tribunal the assessment appeals. We've had a lot of discussion about the greenbelt legislation. How do you think that's going to impact on the function of the board now?

Mr Stork: I think it'll be difficult to say right off the top. I've read about the proposed greenbelt legislation and what's moving forward since it was announced. Whether or not this is going to impact on the business of the tribunal, I think the tribunal needs to be in a position to respond. In my comments, I indicated that it's neces-

sary and I believe very strongly that we need to have a well-qualified panel to be ready to deal with those issues if they come forward. But my understanding, Ms Scott, is that there's a lot of work to do yet with the greenbelt before we see whether there will be individual impacts, which is what the tribunal would be dealing with—individual producers who feel their assessments are not being handled in an appropriate way. I think the jury is still out on that one.

Ms Scott: The Liberals want to have the greenbelt passed by mid-December. We're just getting the impact of what's going to happen to farmers in the appeal process. So if you're coming in for January—

The Chair: Two minutes.

Ms Scott: Two minutes. Sorry. I'm going to pass it over to my colleague.

Mr Tascona: Just to follow up on the greenbelt, the greenbelt excluded the rich farmlands that are in Simcoe county, the Holland Marsh. Do you have any comment on that, about excluding areas that are rich in farmland? That's just Simcoe county.

Mr Stork: I'm not sure, Mr Tascona, of the exact areas that have been excluded and so on. I guess in any decisions you make that drive policy forward, you're going to have exemptions, you're going to have—

Mr Tascona: I know. Are you familiar with Simcoe county?

Mr Stork: Yes, I am.

Mr Tascona: Do you think it's wise to exclude that rich farm area from the greenbelt, in your opinion?

Mr Stork: I believe that in Ontario, in order to keep a strong agri-food sector, we need as much prime class 1, 2 and 3 land as we can possibly have. I've believed that since the day I started working with the Ministry of Agriculture and Food. That is still a personal belief I hold today.

Mr Tascona: OK. Thank you.

The Chair: I'll just give you a really short one, Ms Scott.

Ms Scott: I wanted to ask about the municipal outlet drainage program and the cancellation of the funding for the three livestock genetic improvement organizations. That's not a positive effect for farmers. You've been with the ministry. How do you feel that's going to affect farmers? Were you involved in any of those decisions?

Mr Stork: I was around the executive table when those decisions were taken and those recommendations went forward to the minister, yes, I was. I have believed for many years, on the genetic improvement organization side, which I worked with in extension work in the field and so on for many years, that those programs had reached maturity in terms of their goals and objectives and what they needed to do. At that point in time, it's my belief that those organizations need to stand on their own, that they need to move forward on their own and provide the services to producers on their own.

On the municipal drainage side—a tough decision around that. I know how valuable drainage is to farmers. I see it and I've seen over the years—when I came to Ontario in 1970—how much tile drainage meant to Ontario farmers. I'm not exactly sure of what changes have been brought back in as a result of that, I must admit, because I haven't followed it since I left the ministry, but I know how valuable it is. It ultimately comes down to making tough decisions that have to be made. We've dealt with that. I dealt with it in senior executive positions with the ministry over the last 10 years of my career, having to make tough decisions. They were not easy, but they were decisions that ultimately had to be made.

The Chair: To the third party, Ms Horwath.

Ms Horwath: Good morning, Mr Stork. My questions are going to centre around an area that wasn't covered by previous questioners. Some of the things I was going to ask you have already been covered off and there's no point in repeating the questions today.

I want to talk to you a little bit about what's happening with the Agricultural Employees Protection Act. I want to know if you have any particular knowledge or understanding of what has been happening in that kind of field, let's say, over the last four or five years with regard to the employees.

Mr Stork: No direct knowledge, Ms Horwath. I have followed it in terms of the chronology that has gone on with concerns about employer-employee relations, is how I'll call that, in the agri-food sector, including things like health and safety on the farm particularly.

As I see the role of the tribunal, the Agricultural Employees Protection Act now comes under the tribunal for individual complaints. I also know, however, that there has been a challenge put forward through the court system with regard to the current legislation. I personally don't expect we're going to see a lot happen with that act relative to individual complaints until that court decision is rendered. I may be wrong about that, but I don't think that's going to happen. In order for something like that to move ahead, we have to get appropriate decisions made; it happens to be in our court system and then we can deal with individual complaints, which will be the tribunal's role in this in terms of the act if it continues to exist as it is today.

Ms Horwath: At this point, you would not be prepared to give an opinion of what you think would be best for the industry in regard to that particular court case that's outstanding?

Mr Stork: At this point in time, Ms Horwath, no, I wouldn't, because I haven't followed it closely enough. I believe, as I've said in my comments, that the tribunal plays a key role in allowing individuals to bring forward complaints and appeals where they have been aggrieved. I think it can then play that forum for this particular piece of legislation. If I'm chair and the members of the tribunal are deemed to be ones who can hear those complaints, then we need to deal with them effectively.

Everyone has rights in terms of protection and so on in their workplace and to do their job well, but the exact form of that I think we really need to look at in terms of its broadest context for the agri-food industry in the province of Ontario.

Ms Horwath: OK. You mentioned quite quickly in your discussion the issue of health and safety. As you know, currently the Occupational Health and Safety Act does not cover agricultural workers—nor does the Employment Standards Act, as a matter of fact. Can you discuss with me what your opinion might be on whether or not agricultural workers should be perhaps covered by these pieces of legislation?

Mr Stork: Personally, again I believe that every worker in every sector within this province has a right to expect to be able to work in a safe workplace. That said, the day-to-day operations of farms in this province make that a huge challenge. I worked for a number of years in my roles in extension out in field offices with local farm safety association branches and, quite frankly, saw some very serious farm accidents over my career out in the field.

1040

Do we need further legislation or further commitment to try to prevent that? I think if it can help protect workers in this province, then anything that will help do that, education right through to legislation, is something that should always be looked at and put in place in the most effective way, without causing undue effect on the sector. That is a concern that the farm owners in this province have had over the years, as you well know.

Ms Horwath: In your opening remarks, you talked a little bit about some of your experiences around mediation and other types of work of that nature. Have you ever had any direct experience in labour relations?

Mr Stork: No direct experience in that area, no.

Ms Horwath: Not at all. OK.

You also mentioned—I don't recall whether it was in your remarks or as a response to the questions by the official opposition—the issue of panel hearings. It's my understanding that the Agricultural Employees Protection Act appeal process on those decisions requires there to be an odd number of people on the panel. At this point, there are only two members appointed with the requirements necessary to sit on the panel; ergo, the panel decisions are made by an individual, by one person. Do you think that's appropriate, or do you see your role as chair in some way altering that configuration? You did speak, I think at length, about issues of fairness, transparency, appropriate and actual justice and those kinds of things. Can you speak to me a little bit about whether you think it's within your purview as chair to address that and how you might address the panel situation?

Mr Stork: I received copies of the research that Mr Johnston had done yesterday, as a matter of fact, and this was one area that had been touched on that the committee had asked about. I did talk to senior staff of the tribunal yesterday. They informed me that we now have four appointees on the tribunal who are eligible to deal with Agricultural Employees Protection Act complaints.

In a general way, though, Ms Horwath, I would definitely say that one is not appropriate, and if we didn't have four on there to allow us to provide an odd number—more than one—that would be an area I'd want to tackle. But I understand now that we are there. It would be my intent, if I'm chair, that we would always have more than the three available to us to be able to hear those complaints. It's the only fair way to do it, in my opinion.

Ms Horwath: All right. Well, Mr Chairman, that's the bulk of my questions, unless my colleague has any.

The Chair: Mr Prue? No.

Thank you very much, Mr Stork. As you probably know, we move to concurrences, when we vote on the intended appointees, after we've been through all of our appointees, so probably in about an hour or so. You're welcome to stay and enjoy the show.

Mr Stork: Or I can head back to Guelph.

The Chair: No, don't do that. Thank you very much, sir. It was nice to see you again.

Mr Stork: Thank you.

MARY MORDUE

Review of intended appointment, selected by third party: Mary Mordue, intended appointee as member, Health Professions Regulatory Advisory Council.

The Chair: Our second interview is with Mary Mordue. Am I pronouncing it correctly?

Ms Mary Mordue: Yes.

The Chair: "Mary Mordue" rhymes with "Prue," as a matter of fact. Ms Mordue is the intended appointee as member of HPRAC, the Health Professions Regulatory Advisory Council. Members will note by her biography that she is a Western alumnus as well, which is always good news to the Chair of this committee.

Ms Mordue, you are welcome to give us a brief description of yourself and your qualifications for the committee. We'll do a rotation, beginning with the official opposition, of any questions they may have for you. The floor is yours.

Ms Mordue: Good morning. As you know, my name is Mary Mordue, and I was asked to speak to you today with respect to my nomination to the Health Professions Regulatory Advisory Council, HPRAC. I know that you have a synopsis of my resumé in the briefing notes, so I'd like to tell you a bit about what that really means.

I believe my resumé tells you that, for the past several years, I've been working in a number of interesting roles as a consultant and as the director of strategic planning, marketing and sales operations for Cap Gemini and Ernst and Young. Earlier this year, I decided that I'd like to be home more with my family and travelling less, so I decided to leave Cap Gemini and work as an independent consultant so I would have more time for my family, to finish the MBA that I've been working on forever and can't quite finish, and to take on other interests such as this. I started my own consulting business and, in that capacity, I've been helping companies primarily dealing with integration issues as they bring business units together to achieve common goals.

Specifically, I help my clients with communications and with change management. I believe these are two

focus areas that would serve me well as an HPRAC member. When I am selling my expertise to prospective clients, I try to demonstrate to them that I bring an objective approach which helps them wade through complex issues and solve business problems, building strategies that place as much emphasis on people as they do on process and on technology.

What isn't on my resumé but what I think enhances my skills to serve effectively on HPRAC is that I'm also the mother of two young children and the daughter of aging parents—I think that makes me a member of the sandwich generation—and I live in rural Ontario. In those capacities, I've developed a keen interest in our health professions and specifically how they're structured to deliver services competently and effectively.

As I said, I live in rural southwestern Ontario. Drumbo is on the east side of Oxford county. As I'm sure all of you are acutely aware, there are some unique challenges associated with the provision of services to an area like the one where I live, although I'm fortunate to be in the hub of a number of large centres—London, Hamilton, Kitchener and Toronto—and have not personally experienced any particular issues with respect to the availability of high-quality care.

I have researched the role and mandate of HPRAC, and in particular the process that it follows, to thoroughly examine the issues that are referred to the council by the Minister of Health. I believe, based on both my experience as a consultant, as a consumer of services and as an advocate on behalf of my family, that I would contribute effectively and in a balanced way to the issues that are being considered.

I'd like to thank the committee for seeing me, and I look forward to your questions.

The Chair: Fantastic. Thank you very much for the presentation. We begin our rotation with the official opposition, which would be Mr Tascona.

Mr Tascona: Thanks very much for coming here today. Have you ever been a member of the Liberal Party of Ontario?

Ms Mordue: I have, yes.

Mr Tascona: Are you currently a member?

Ms Mordue: No, I lapsed my membership a few years ago.

Mr Tascona: Have you been a financial donor to the Ontario Liberal Party?

Ms Mordue: I have. I have also attended fundraisers for the Conservative Party and the Liberal Party.

Mr Tascona: I noticed from your resumé that you've acted as a policy adviser in the office of the provincial finance minister and that you worked for the leader of the official opposition, which would have been the Liberal Party, in 1987 and 1991. Just for the record, who was the minister?

Ms Mordue: I worked for Bob Nixon.

Ms Scott: Thank you very much for appearing before us here today. Do you have any comment on the recent delisting of the chiropractic, physiotherapy and optometry services by the present government? You say you're from rural Ontario. I represent a rural riding, Haliburton-Victoria-Brock. Do you have any comment on the delisting of those services and the impact they're going to have?

Ms Mordue: I would suspect, from what I've come to learn about HPRAC, that it's probably not within the purview of the council to comment on policy; it would be more around making recommendations to the minister.

Living where I do, as I'm sure you can relate, to me, it's really about the provision of high-quality services. While who pays is always an issue, it really is about how we're served. In my own case, for example, I've had to seek out services in the past for my children where it hasn't been a service covered by OHIP, but if it's what you need, you pay for it. I think I put quality of care and the provision and access to care first. It would be nice if we could pay for everything, but I don't imagine that's possible, so we get the best we can for the people who need it.

Ms Scott: It's certainly going to affect a lot of lower- and middle-income people and have a larger effect on our health care system cost-wise. We don't have a lot of choices in rural Ontario, so I'm just quite concerned about that.

Another big rural Ontario issue is nurse practitioners. There are doctor shortages everywhere, especially in the rural areas. You're looking at the scope of practice with nurse practitioners. Do you have any role you'd like to see the nurse practitioners play?

Ms Mordue: I think I'd like to hear all of the issues and hear from everybody first. I do have a personal experience and an opinion which I think is relevant. Where I live, the closest community is Paris. There are 8,000 people in Paris. My family doctor is part of a primary care network, so I have access 24 hours a day, seven days a week to a network of health providers: doctors, nurses, nurse practitioners, someone in the lab. I'm extremely well served, especially considering where I live, and I do believe it's in part because it's not just the doctor; there's a variety of people looking after my family, and so I've had a very positive experience with someone who has partnered with nurse practitioners. As I said, I don't have a perspective yet on the appropriate policy around regulation, but I do have a positive personal experience around the services that a nurse practitioner has provided to my own family.

1050

Ms Scott: So you're very fortunate and hopefully will have more co-operation with the medical field and professionals in dealing with nurse practitioners.

Do you feel that if we could increase the scope of practice for nurse practitioners—there are some problems right now. I don't know if you know this, but I'll state it: They can refer to specialists, but specialists aren't remunerated for being referred from nurse practitioners. They are not paid to see the referral, whereas with doctors, if they refer to a specialist, the specialists are paid. There are things like that in regulations that need to be changed.

Were you aware of some of the nurse practitioners and the different levels of pay across the province?

Ms Mordue: To be honest, that's not a level of detail that I am aware of. As I said, my own experience is just around the personal service that we receive, the fact that it's a network. There's an obvious partnership that goes on in that network between all of the providers within it. But in terms of who's allowed to do what or who gets paid to do what, that's not a level of detail I'm familiar with.

Ms Scott: OK. In regard to the dental hygienists, their recommendation is to be permitted to clean teeth without a dental order. I don't know if you're familiar with that. We ask this question commonly, because they've done a good job of lobbying. How do you feel about that?

Ms Mordue: My only knowledge of the issue, frankly, is what I've read in the paper, so it's my view that I don't know enough. If all I know is what I've read in the news, there obviously are complexities around the issue that I'm just not familiar with. So it's too soon to have an opinion. I'd like to know more. I would expect that there's a lot going on that I haven't read in the paper, so I'd like to hear from everybody and understand where all the stakeholders stand.

Ms Scott: Very true. In rural Ontario, it certainly is an issue of access to primary dental care, if you want to call it that.

There have been recommendations to include naturopathy, acupuncture and traditional Chinese medicine under the Regulated Health Professions Act. Do you see the government acting on that? Do you have any comment on those professions?

Ms Mordue: My knowledge of both of those things is more around when I did some due diligence to determine whether this was an appropriate role for me. I got an understanding of the process that was followed to formulate the recommendations to the minister, so I understand the consultation process and so on. I wasn't there. I don't know what was said. I don't know the recommendations in sufficient detail to really know what's there and, furthermore, I don't know the mind of the minister and whether or not that's something they're going to move forward with.

Ms Scott: Have you had any exposure to naturopathic medicine?

Ms Mordue: No, it's not available where I live. No one in Drumbo is practising it.

Ms Scott: It's surprising; they're all over the place.

Anyway, thank you very much for appearing before us here today and for your willingness to stay on the committee.

The Chair: To the third party.

Mr Michael Prue (Beaches-East York): I'm curious as to why, of all the government committees—there are hundreds of them—you chose this one, because I looked at your resumé and there's nothing in it related at all to health, to alternate forms of medicine, nothing at all.

Ms Mordue: I understand your question. This one is of interest to me, as I said, because what I took from here when I worked at treasury—treasury deals with lots of things, but the big deal is the budget. In development of a budget every year, it was all about the consultative process. I was sort of newly out of school, green and learning, and I learned about bringing in stakeholders and understanding various points of view and trying to come up with a balanced perspective that addressed as many needs as you could. That was something I learned here that I took away into my work in the private sector. So I became a consultant and, again, I try to work with my clients around a consultative process. I looked at HPRAC and saw the process they followed and saw a fit there.

Again, "nothing about health care"—I guess I'd argue that, as the mother of two kids, as someone whose parents are of a generation where they are in complete trust and go to the doctor and do exactly what they're told without asking any questions, as a bit of an advocate for them to make sure they're asking all the right questions and have all the information they need, I think I'm a little more involved in health care than not at all. I think we all are. It's really on my mind in terms of my children getting their needs met and so on. I think that's my interest, and I think the objectivity and the understanding of the process that I would bring would make me an appropriate contributor to that discussion.

Mr Prue: Before I go on to health, you did raise the issue—maybe I should have started there—of your job when you were fresh out of school. I see that you got your bachelor of arts in 1986, and in 1987 you were right into the Ministry of Treasury and Economics. But it also says "office of the leader of the official opposition." Who was the leader of the official opposition?

Ms Mordue: Bob Nixon. When the government was defeated and he moved upstairs, I went with him.

Mr Prue: You went with him. OK, so that was just in that one—

Ms Mordue: It was all working for the same person. As I said, he was minister and then—

Mr Prue: OK, so you were working for Bob Nixon, as opposed to working for the ministry itself.

Ms Mordue: I was a political assistant working for the minister.

Mr Prue: All right.

Back to the issue at hand, I guess, which is all of these various groups. We touched on the dental hygienists—and, yes, they are a very effective lobby group—but I'd like to hear your view about non-doctor medical people.

Ms Mordue: Non-doctor medical people?

Mr Prue: This could be anything: people who aren't doctors but who advocate or do—a dentist is a doctor, but a denturist or a dental hygienist is not. Is it your view that only those who can say that they have a doctorate are capable of doing routine tests? This goes to everything from midwives, who aren't doctors and who can deliver babies, to denturists, who can clean teeth, to—there's a whole list of them.

Ms Mordue: My understanding of the reason the act exists is to ensure that a process is in place to regulate and to prevent harm. So it would seem to me that if a

profession, regardless of whether they call themselves doctor or not, falls within the purview of the act, and if the regulations are in place to ensure that they conduct themselves in a way that prevents harm and mitigates risk, then it's entirely appropriate that they would participate in the delivery of service.

Mr Prue: Traditional Chinese medicine and acupuncture have been under consideration for a long time and nothing's been done. You said that you're not terribly aware of this branch of medicine. How would you make yourself aware?

Ms Mordue: I don't think I'd go; I think I'd read. In the case of HPRAC, I understand there's been a detailed consultation process where not only those who deliver the services but others who are involved as stakeholders in having that service have appeared before the council and stated their case, and the council has considered it and had extensive research done.

I understand your question. I don't know how I'd determine that. I don't discount it as something that's valuable; I just haven't heard the testimony so I don't have any opinion one way or the other.

Mr Prue: One of the key areas on which no direction has been taken by this agency so far is the funding for therapy and counselling for patients sexually abused by health professionals, something that I think you're going to have to act on. Can you tell us where you want to take this, what your own views are on this?

Ms Mordue: The obvious view is that anything that can be done, again, to mitigate risk and prevent harm is the appropriate thing to do. I apologize for sounding repetitive with my answer, but until I have had an opportunity to hear and see everything and know all the points of view out there, my only opinion going in is that, again, whatever can be done to prevent harm is the right thing to do.

Mr Prue: I think those would be my questions.

The Chair: To the government?

Mr Parsons: It's evident to us that you will bring a very useful and helpful consumer's perspective to this if the appointment is made. On behalf of my colleagues, I would like to thank you for putting your name forward.

Ms Mordue: Thank you.

The Chair: That was easy enough. Mr Berardinetti, you look like you've got a good question.

Mr Berardinetti: I agree with those comments.

The Chair: Great. Very good.

Thank you very much, Ms Mordue, for your time. As I think you heard, we do concurrence at the conclusion of our intended appointees, so probably in about an hour's time or so. Thank you very much for your time and your presentation.

1100

TOBY VIGOD

Review of intended appointment, selected by official opposition party: Toby Vigod as vice-chair, Environmental Review Tribunal.

The Chair: Our next intended appointee is Toby Vigod. Ms Vigod, welcome to our committee. Ms Vigod is an intended appointee to the Environmental Review Tribunal. She counts Toronto as—sorry, Ottawa as home. I was reading ahead.

Ms Toby Vigod: No, Toronto now.

The Chair: Where am I reading about this? OK. You've moved.

Ms Vigod: That's right.

The Chair: You've got to go slow with the Chair here. You've moved from Ottawa to Toronto.

Ms Vigod: I moved two months ago.

The Chair: Welcome to our committee. I think you've been in attendance for a while. You're welcome to make some opening comments about yourself, your qualifications and the review tribunal, and then we'll do a rotation of questions, beginning with the third party. So, Ms Vigod, the floor is yours.

Ms Vigod: Thank you, Mr Chair, and I will make an opening statement.

Thank you very much for the opportunity to appear before the committee as an intended appointee for a vice-chair position on the Environmental Review Tribunal. I'm confident that with my skills, knowledge and expertise, I can make a real contribution to the work of the tribunal. What I'll do is very briefly elaborate on my background as set out in the curriculum vitae, which you have a copy of.

I have over 25 years of experience and achievement in environmental law and policy from a wide range of perspectives. These include environmental lawyer, commissioner, advocate, lecturer, policy-maker, senior public servant in both provincial and federal governments, author and, perhaps most importantly for this position, former chair of two tribunals in British Columbia: the Environmental Appeal Board and the Forest Appeals Commission.

After being called to the bar in 1980, I was counsel and executive director at the Canadian Environmental Law Association until 1991, where I represented clients, as well as engaging in law reform work with all levels of government.

During this period, from 1986 to 1993, I also lectured in environmental protection law at a number of law schools across the province and the Queen's school of public administration. I was a member of the Ontario Round Table on Environment and Economy from 1988 to 1992 and served on various law reform committees of both the federal and Ontario governments.

From 1991 to 1993, I was a commissioner on the Commission on Planning and Development Reform in Ontario, which undertook a review of the planning processes in Ontario. We met with thousands of Ontarians, and there was a real effort to seek common ground on the recommendations brought forward.

In 1994, I moved to Victoria to take up a position as assistant deputy minister at the Ministry of the Environment, Lands and Parks. There was a new department of policy planning and legislation, which I headed and led

policy development in a number of key government priorities, including clean air and water and land use. Of relevance to the work of the Environmental Review Tribunal, I was involved in the implementation of British Columbia's Environmental Assessment Act and had an environmental assessment branch in my department.

In 1996, I became the first full-time chair of the Environmental Appeal Board and Forest Appeals Commission which had been created under the new Forest Practices Code of British Columbia Act. There were approximately 18 members on each tribunal, consisting of lawyers, engineers, former forest company executives and others.

I was responsible for reviewing all decisions, ensuring training and preparing annual reports to the BC Legislature. I also authored over 150 decisions and chaired over 70 hearings involving complex administrative and aboriginal law issues, in addition to environmental and forestry issues. The statutes under which these appeals took place were very similar to ones that guide the work of the Environmental Review Tribunal here.

My tribunal experience demonstrates a strong commitment to the provision of fair, unbiased hearings and well-written, reasoned decisions based on the evidence before the tribunal.

Most recently, at the federal climate change secretariat, I had responsibility for federal-provincial-territorial relations and chaired a number of cross-country stakeholder sessions, organized nine ministers' meetings over the course of two years and managed the development and negotiations of memoranda of understanding on climate change between a number of provincial and territorial jurisdictions, including Ontario and the federal government.

As a final point—and I believe it's a real asset that I can bring to this appointment—I have not appeared before the Environmental Review Tribunal and have taken no public positions on Ontario environmental legislation or policy in over the decade that I was living in Victoria and Ottawa, yet my extensive tribunal work, knowledge of administrative law and understanding of complex environmental statutes and experience in government means I can quickly step up to the plate and become a strong, fair and well-informed adjudicator on the Environmental Review Tribunal.

Those are my remarks and I'm open for questions.

The Chair: Very good. Thanks, Ms Vigod, for the presentation. I go now to the NDP.

Mr Prue: This is a most impressive resumé. This was the selection of the official opposition. I have no idea what questions they could possibly ask you with a resumé like this, so I'm going to pre-empt it.

Do you belong to some political party? I think that's what they're going to ask you.

Ms Vigod: No, I don't, and I never have, given the nature of my positions over the number of years.

Mr Prue: OK. Having asked that, this is a position that you seem to be made for. The workload appears to be kind of high. We have background information here. There are some 244 cases by category outstanding at the tribunal. I assume you intend to work at this full-time. That's what the job advertises. It's a full-time position.

Ms Vigod: Yes, I do.

Mr Prue: You've told us why you can do it, and I have no reason to doubt you. Can you tell us of any impediments or anything—

Ms Vigod: No.

Mr Prue: We might as well be upfront, I guess, but I can't think of them.

Ms Vigod: It's a challenging position and I'm very interested in getting back into a more environmental-legal forum, as the last four years were a lot of meetings. So I'm very glad to be back into a more legal frame.

Mr Prue: I can say from your resumé and from your discussion today, you appear to move a lot, including a recent move from Ottawa to Toronto. I would take it, since the time of your application to today, you've moved from Ottawa to Toronto?

Ms Vigod: Actually, I had put in an application to the appointments secretariat last November. I was finishing an executive interchange with the federal government that I knew was up in July. So when I was looking for a position, obviously this was a good match. I moved to Toronto for a number of personal reasons as well, and then the timing turned out to be propitious and I'm here. But we did intend to move to Toronto.

Mr Prue: OK, and you're here to stay if you get this job?

Ms Vigod: Yes, I'm here to stay. I'm from Toronto. I'm Torontonian for most of my life. We're here to stay.

Mr Prue: I can't think of anything else, Mr Chair.

The Chair: Thank you, Mr Prue. I was going to caution you about badgering the intended appointee. I find that appropriate in the circumstance.

To the government, any questions, Mr Parsons?

Mr Parsons: I don't think I could come up with a question that wouldn't embarrass me, with these qualifications. I'm somewhat in awe of your background. So thank you. All we can say is thank you.

Ms Vigod: Thank you very much.

The Chair: To the official opposition, Mr Tascona.

Mr Tascona: Thanks for coming here today. I want to ask you some questions about the independence of the ERT.

"Some observers argue that the ERT is less independent than our other quasi-judicial bodies. The Minister of the Environment may overturn an ERT decision, potentially re-politicizing what is supposed to be an independent tribunal decision. Directors and ministers also decide which cases are to be referred, issue directives to the tribunal at the time of referral, impose deadlines, and can appear as a party at any hearing. Thus, the authority of the tribunal may be undermined, raising the question of its ultimate purpose. Lastly, while the ERT has the statutory power to retain experts, there is no funding available for this purpose. Some have argued that this detracts from public participation and weakens the

tribunal's ability to assess evidence as objectively as possible."

Does the witness have an opinion on the appropriate role and function of the ERT?

Ms Vigod: First of all, I think it's very important that all quasi-judicial tribunals be independent. Certainly the two tribunals I chaired were that way in BC. My understanding is the ERT again is an independent tribunal. The most important thing is that decisions be based on the evidence before the members. That's the key consideration.

On the issue of being overturned by the Legislature or cabinet, one never likes to be overturned on one's ruling, but that is the way the legislation reads. I think that's an issue for the Legislature to debate as to whether there is an appeal or not, but it's something we've lived with.

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In British Columbia, it was a bit of a different situation. They abolished appeals to cabinet, but cabinet did have a right to review or vary a decision of the board, which they rarely did.

So I think independence is a hallmark and I think the ERT operates as an independent tribunal.

Mr Tascona: What about funding, in terms of you being able to serve the public purpose?

Ms Vigod: First of all, I think it's important that the tribunal have expert members on it—for example, a mix of lawyers, engineers, whatever. My experience is, there's such a range of issues before tribunals that it would be very difficult to pick one expert who could often assist you, so you're really best weighing the evidence that you hear before you, brought by the experts to the parties. So it's a power that's there. I believe we had it in British Columbia, but it was one that was not used.

Mr Tascona: Yes.

I notice you also applied for the Ontario Municipal Board.

Ms Vigod: It seemed to me that those would be the two best fits, given my environmental and my planning background. But I'm certain the Environmental Review Tribunal is more on all fours with my background.

Mr Tascona: One of the upcoming hearings of the tribunal is scheduled for December 2, 2004. It is an appeal of a matter that was originally filed on October 21, 2002. Do you believe that this is an appropriate amount of time for people to wait to have their appeals heard?

Ms Vigod: I think it's very important to get appeals on as quickly as possible, but without knowing the details of the case before the tribunal—in my experience, there are often motions, matters dealing with stays, adjournments, all sorts of procedures that could delay the start of the hearing after the matter is filed. So without knowing the factual situation, it's hard to say whether it is an inordinate delay or whether there were circumstances that led to that date being set.

Mr Tascona: That's a fair comment, but in terms of the rules of practice for the Environmental Review Tribunal—are you familiar with those?

Ms Vigod: I've certainly begun my detailed look at them. I believe there are definitely some time limits for issuing decisions, which I believe the board has been very faithful to, and they're quite tight timelines. From what I've seen of the process, hearings do get done in a timely fashion and decisions are issued in a timely manner.

Mr Tascona: There's another matter that deals with Bill 133 on October 27. The Minister of the Environment introduced Bill 133, the Environmental Enforcement Statute Law Amendment Act. The proposed legislation will increase environmental penalties to $20,000 per day for an individual and $100,000 per day for corporations. The penalty, as appealed to the ERT—the bill puts the onus on the person or corporation against whom the order was made to disprove the charge. In other words, it's a reverse onus provision. Furthermore, the bill proposes that the ERT no longer have the right to stay orders to monitor or report activities.

Do you have an opinion on how Bill 133's provision to place the onus on individuals or corporations to disprove the charges laid by the ministry can be implemented at the ERT? I looked at your background, and you've got quite an extensive legal background. I'd be interested in what you think of reverse onus provisions.

Ms Vigod: As a member who might hear that very issue before the tribunal, I can't really comment on that. The only thing I can say is that I have had experience with administrative penalty regimes under the Forest Practices Code in British Columbia. So I'm familiar with the issues. First of all, this is only in bill form, and we don't know where it's going to go in terms of final legislation, and I would imagine those kinds of legal issues would be the very ones that would come before me, so I won't comment.

Mr Tascona: They're not in front of you right now.

Ms Vigod: I know, but I certainly would feel—as I say, this is only in bill form. Also, without studying the legislation in some detail, to comment on what the—

Mr Tascona: Do you have an opinion on reverse onus provisions, as a fairness issue? You've been involved in these before, especially in the environmental area.

Ms Vigod: First of all, usually the onus is on an appellant in a case. Again, it seems to me it's a bit unclear and I think we need more thought on how this would work. I guess what's meant by "reverse onus" is a tricky issue as well, so I don't really have any particular views on it at this point.

Mr Tascona: Your background is as an environmental advocate. How do you think that impacts you as a chair, in terms of objectivity?

Ms Vigod: As I said, I've had many roles, one being an environmental advocate. For the past 10 years, I've been in government. I worked both as assistant deputy minister and, most recently, in the climate change secretariat, I've worked with interests of industry, environmental, non-governmental and all interests. So I think I have a very open perspective and I'm used to dealing with all sorts of arguments from a number of interests in

making decisions at all those levels. I think I have a very broad perspective. I've dealt with all stakeholders on a number of environmental issues.

Mr Tascona: Have you ever been or are you currently a member of the federal or provincial Liberal Party?

Ms Vigod: No, I'm not a member of any political party.

Mr Tascona: Have you ever donated to any of those parties, federal or provincial Liberals?

Ms Vigod: No, I haven't.

Mr Tascona: Those are all the questions I have.

Ms Scott: Thank you very much for appearing here today, and for your background. Are you aware of how much this position pays?

Ms Vigod: I believe that it's something in the mid-80s, but my understanding is that it is under review.

Ms Scott: If it is in the mid-80s right now, are you content to serve out the entire term at that rate of pay?

Ms Vigod: Well, one's always hopeful. My understanding is, these salaries have been frozen for quite a long time. But certainly, at this point, I'm committed to a three-year term.

Ms Scott: So you're committed to a three-year term in the mid-80s, if that's the way it goes, because you're not going to know the result.

Ms Vigod: Certainly, at this point in time.

Ms Scott: Good. Thank you for appearing here today. That's all the questions.

The Chair: Thank you very much, Ms Vigod, for the presentation. We have one more intended appointee and then we will move to concurrence shortly thereafter.

I should point out for the record, too—I think members are well aware—Ms Vigod is an intended appointee not only as member but as vice-chair, which I neglected to say at the beginning. I think members would know that from the agenda that has been circulated to the members' offices. So my apologies in that respect.

SHAMSUL ISLAM

Review of intended appointment, selected by third party: Shamsul Islam, intended appointee as member, Council of the College of Nurses of Ontario.

The Chair: Our fourth intended appointee, Shamsul Islam, has joined us. Welcome, sir. Mr Islam has joined us from Markham, Ontario. He is an attended appointee as a member of the Council of the College of Nurses of Ontario.

Mr Islam, I'm not sure if you were here for the other appointees. You're welcome to make a brief presentation about yourself, your background and the position for which you have been nominated. Then we will begin a rotation with the government members, divided up equally, if they have any questions for you. Mr Islam, the floor is yours.

Mr Shamsul Islam: Thank you very much. Good morning to all of you. Good morning, Mr Chairman and respectable members of the committee. It's a great pleasure for me to appear before you today. I do appreciate the opportunity to indulge the committee with a few words, primarily about my background.

I was born and raised in Bangladesh, a small country of vast population. I have a family of four members: my two school-going children, my wife and me.

I finished my Master of Commerce in accounting from the University of Dhaka, Bangladesh. I started my professional career as a teacher in a community college. I've been engaged almost my whole life in social work in the interest of the public. In fact, I've been engaged in social activities since my boyhood.

I worked as a member of the district council—similar to a province in Canada—a city ward councillor, a member of the city improvement trust committee, and a member of the governing body of a community college, and improved interpersonal skills and acquired vast practical knowledge and experience by resolving problems of complex issues in society and the country as well, both in government and the private sector.

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I came to Canada approximately 10 years ago. I started by living in Montreal for the first two years and then I moved to Toronto. I started living in Regent Park in Toronto, a multicultural community. I engaged myself in community works. I became a member of the parent council of the Sprucecourt Junior Public School. I volunteered my time as the chair of the education and employment committee of the Regent Park resident council. During that time I became familiar to local MPP George Smitherman, city councillor Pam McConnell and MP Bill Graham. They also came forward to work with the community in order to revitalize Regent Park. In recognition of my community work, the CEO of the Metro Toronto Housing Corp awarded me a certificate of appreciation.

I feel very honoured to be a member of the Council of the College of Nurses of Ontario. I believe that nurses play a very important role in the health care development of a country if the standard of the nursing profession is properly maintained. I do believe health is wealth. It is the source of all happiness of an individual, of a family, of a country and of the world. The Council of the College of Nurses of Ontario is the key to prepare nurses to become the leaders in their profession.

I do hope that I will be able to utilize my practical knowledge and experience to perform my tasks as a member in order to achieve the objectives of the Council of the College of Nurses of Ontario.

I would be more than happy to answer any of your questions and concerns. Thank you very much.

The Chair: Thank you very much, Mr Islam, for the presentation. We'll begin the rotation with the government members.

Mr Parsons: One of the strengths of our democracy is individuals willing to come forward and contribute time in a very busy life. It would appear that you have a very busy life, so on behalf of my colleagues I would like to thank you.

Mr Islam: Thank you, sir.

The Chair: To the official opposition.

Mr Tascona: I understand that you know Mr George Smitherman, the health minister.

Mr Islam: Through my community work, I came across him.

Mr Tascona: You were working with the Regent Park resident council?

Mr Islam: Yes.

Mr Tascona: You lived in that area at the time?

Mr Islam: Yes.

Mr Tascona: Are you a member or have you been a member of the provincial Liberal Party?

Mr Islam: Yes. I'm a member of the provincial as well as a member of the federal Liberal Party.

Mr Tascona: Have you contributed financially to the provincial Liberal Party?

Mr Islam: Just as a member. What is the [inaudible].

Mr Tascona: What period of time was your work with the Regent Park resident council? I didn't gather it from your resumé.

Mr Islam: It was from 2002 to 2003.

Mr Tascona: OK. Those are all the questions.

Ms Scott: Thank you very much for appearing before us here today.

On your application, you didn't fill in which board you wanted to apply for: "Name the agency, board or commission to which you are applying." Was there a reason for that? Is there a particular interest with that board?

Mr Islam: In fact, I expressed my interest to one of the staff of the ministry, Mr Todd Ross—I think he has now moved to some other place—to work for the community. I submitted my resumé accordingly, and in the course of time, Ms Cathy Kerr telephoned me: "Are you interested in working on the Council of the College of Nurses of Ontario?" I gave my consent: "Yes, I am interested." I have experience regarding health and education. This type of organization I also worked in back home, not here. But the common things everywhere are the same. Then I gave my consent.

Ms Scott: I'm sorry. Was it someone in the ministry who contacted you?

Mr Islam: Ms Cathy Kerr.

Ms Scott: What is her title? What is her job?

Mr Islam: One of the staff.

Ms Scott: At the Ministry of Health and Long-Term Care?

Mr Islam: Yes. I think it's the public appointments, or something like that.

Ms Scott: So they contacted you. Did they put you through an interview process?

Mr Islam: Yes.

Ms Scott: I'm a nurse in one of my other lives that I have, so I'm very interested in your appointment to today's board. Do you know much about the council of nurses?

Mr Islam: Yes. My understanding is that the council is the governing body of the college to administer the profession of nurses to reach their professional—to keep their professional standards in the interests of the country, as well as to improve the quality of health care.

Ms Scott: Recently—I don't know if you've been following—the government has told the hospitals they have to have their balanced budgets in. In a lot of hospitals, that's going to mean laying off nurses. We tried to get a motion passed that they would not close any hospital beds or lay off nurses. They had promised to hire 8,000 nurses. Do you think this is going to be feasible? Do you see nurses being laid off? In reality, do you see that more nurses are going to be hired? I know you're in an urban area and I'm predominantly a rural area.

Mr Islam: So far, I think there is a complex relation in the community and society. I think we have to try to find out which one is more effective. There is always the question that some nurses are going to be laid off and some nurses are going to hired, but sometimes it depends, case by case. That means in whose area how many nurses there are and in whose hospital. I believe that any policies taken or introduced, in that case, the College of Nurses of Ontario also has some ideas and views. As a citizen of the country, I have also some ideas and views. So I have to go through this particular issue in detail, then I'll be able to pass comment about these things.

Ms Scott: Just to add that certainly fewer nurses at the bedside increases patient mortality—just to keep that in mind. I don't know about your experiences in another country, but it's very important to keep the front-line workers there—

Mr Islam: Even back home, I also saw in some particular issue, the employment, sometimes it is layoffs and next it is hiring. It depends on the situation why it has actually happened. If better nurses can be hired, or if it is in fact sometimes the policies taken—but it is not guaranteed that that policy must be implemented. Sometimes it is reviewed, sometimes the amendment is taken of any policy of the government. So in that case, some nurses are going to be laid off and some nurses are going to be hired. If it is effective for the community, if it is effective for the health care system, I think that can be done. It's not a Holy Koran or Bible, so that if I introduce a policy, it must be implemented. It might be reviewed. There might be amendments made to the policy and how it would be implemented.

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Ms Scott: I guess the jury's out. We're going to be seeing shortly how many nurses are going to be laid off, and the College of Nurses will be speaking to that, I hope.

We just introduced in 2000 the regulation providing that all Ontario registered nurses have a four-year baccalaureate degree. Are you familiar with that?

Mr Islam: Yes. I came to know through reading and also I came to know through my community work. In fact—

Ms Scott: How do you feel about that?

Mr Islam: —in comparison to the advancement of science and technology, if nurses have an upgraded education, I think it is required to some extent. If the

objective is to improve the health care system, then I think it's OK. If they take more higher education to improve their knowledge and skills, it is also good for them. They will also feel more comfortable to advance themselves with new advancements in science and technology and tools and to make appropriate decisions in time of need. I think it's also good for nurses because they will work in the future too. So it might be that, after five or 10 years, there will be more requirements. So if they are prepared today, it's better for them too.

Ms Scott: Are you familiar with the role of nurse practitioners and the nurse practitioners' involvement in communities?

Mr Islam: Practical nurses?

Ms Scott: Not registered practical nurses, but nurse practitioners. They can work independent of doctors in some regards and are utilized predominantly in a rural community where there's not enough family doctors. So nurse practitioners are going to be—

Mr Islam: Yes, I heard about that.

Ms Scott: So you don't know a lot of details about that.

I'm sorry. I guess I've run out of time. I can't ask any further questions, so thank you for appearing here.

The Chair: To the third party.

Ms Horwath: Welcome this morning. I apologize for missing the beginning parts of your interview process, including your opening remarks.

I have looked through your resumé and I just wanted to ask—and if I'm repeating a previous question, I apologize for that—what was it again that motivated you to apply for this position, and what do you see as your particular skills and abilities that you bring to this position on the Council of the College of Nurses of Ontario?

Mr Islam: In fact, I've got practical knowledge and experience regarding a variety of organizations and a variety of boards. I've worked as a member—not here, but back home—a long time. I believe that if you have knowledge and skills, you can utilize it in time of need for the interests of the community. I always enjoy watching out for the community, especially the College of Nurses. I think the health department in Canada is a very important issue. Everybody needs to improve their health and the College of Nurses plays a very important role in this regard.

I also have experience with the health organization back home. We did a lot of development in the villages, in the cities, because it's a country of vast population, on how to improve the health of the people through many projects and programs. Even here in Canada, I know that I will be able to propose some of my ideas, goals and experience, as well as getting ideas from all sides. By amalgamating all of these things I will be able to give some—

Ms Horwath: Can you expand on that? Are there any specific ideas, specific goals that you have, that you've thought of? Considering the likelihood that you will be appointed, do you have a list of things you would like to bring forward in your new role?

Mr Islam: Yes. I know, for example, that this is a country of multicultural communities. Toronto is absolutely a multicultural society. Every day we are receiving more people from outside. They also become professionals in the course of time. Gradually these are growing and growing, and their number is increasing day by day in the medical profession.

But that's my idea. I don't know whether it will be effective or not because, as a member, I will be able to give my ideas and views because I'm always working with the community. Sometimes community people think they should have some involvement, even if it is not proportionately, in the employment of the nursing profession because they are always directly dealing with the public. It's a question of language, a question of culture, because if a person who is from a different culture became a patient, he or she sometimes does not feel comfortable to give his or her ideas or to disclose to a nurse who is not even familiar with their culture. But it is also very hard to get everybody from every culture, so if we try to educate them in at least other than our basic language, other than our basic culture, sometimes the system will work better.

Ms Horwath: OK. I understand what you're trying to indicate in terms of where you'd like to see some of your own experiences addressed at the college. Can I ask you then, do you know the position the college took on Bill 110 that the government introduced in terms of the reporting of gunshot wounds? Are you aware of what position the Ontario College of Nurses took on that issue?

Mr Islam: Excuse me? I didn't actually follow the question.

Ms Horwath: Oh, sorry. Bill 110 was introduced by the government. This is the bill that requires the reporting of gunshot wounds by health professionals in Ontario. The college particularly indicated that they do not support that legislation. Do you know anything about the legislation, why the college might have taken that position and do you agree? Can you speak to that issue for me, please?

Mr Islam: In fact, I'm not familiar with the laws and bylaws and some official regulations. I think that, through orientation courses and going through books and readings, I'll be able to acquire knowledge of those issues. At present, I cannot pass any comment at all.

Ms Horwath: How long ago did you put your application in for this particular position?

Mr Islam: Approximately two and a half months ago.

Ms Horwath: Did you understand that the process may lead to the possibility of having an interview before this group?

Mr Islam: Yes, that was communicated to me, that I still have to appear for the interview board to review my appointment.

Ms Horwath: So in preparing for that eventuality, did you spend any time reviewing what you might be expected to know about or understand as somebody who

was seeking this position? What kind of preparation did you do?

Mr Islam: Normally, I work with the community always, for about the last eight years, yet I'm always involved in community works—

Ms Horwath: I mean specific to this position, specific to the Council of the College of Nurses of Ontario.

Mr Islam: No. I did not do any advanced preparation. Whatever I know normally as a citizen of the country—I was just communicated the process, what was to be done and how to appear, when to appear. All these things I was communicated.

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Ms Horwath: OK. No further questions, Mr Chairman.

The Chair: Mr Islam, thank you very much for your presentation and responses to members' questions. The next part of our session we'll be going through, beginning with Mr Stork, and then you'll be the last of those to go through the vote for concurrence. So thank you, sir, for joining us. You're welcome to stay and see the next part of the show.

Mr Islam: Thank you very much.

The Chair: Very good, folks. That concludes our interviews of intended appointees. We'll now move on to concurrence.

We will now consider the intended appointment of Rodney D. Stork, intended appointee as member and chair of the Agriculture, Food and Rural Affairs Appeal Tribunal and Board of Negotiation.

Mr Parsons: I would move concurrence.

The Chair: Mr Parsons moves concurrence. Any discussion about Mr Stork?

Mr Tascona: I second.

The Chair: Mr Tascona seconds that, which is very generous. Any other comments or discussion with respect to Mr Stork?

All in favour of Mr Stork's appointment as outlined? Any opposed to Mr Stork? Seeing none, the motion is carried.

Congratulations to Mr Stork, who is no doubt glued to his television watching the proceedings as we speak.

We will now consider the intended appointment of Mary Mordue, intended appointee as member of the Health Professions Regulatory Advisory Council. Concurrence is moved by?

Mr Parsons: I would move concurrence.

The Chair: Concurrence in this appointment has been moved by Mr Parsons. Is there any discussion of—

Mr Tascona: I second.

The Chair: Noted. Any thirds? Any comments on Ms Mordue's intended appointment?

Members in favour of Ms Mordue's appointment? Any opposed? It is carried.

Ms Mordue, congratulations, and enjoy your time on HPRAC.

We will consider the intended appointment of Toby E. Vigod, intended appointee as member and vice-chair of the Environmental Review Tribunal. Concurrence is moved by—

Mr Parsons: I move concurrence.

The Chair: Mr Parsons. Is there any discussion about Ms Vigod's intended appointment?

Seeing no discussion, any—

Ms Monique M. Smith (Nipissing): What happened to the seconding, Joe? Come on.

Mr Tascona: I'd like to second that motion, Mr Chairman.

The Chair: Fine. So noted. Other discussion?

All in favour of Ms Vigod's appointment? Any opposed? Very good. The motion is carried.

Ms Vigod, congratulations, and all the best on the Environmental Review Tribunal.

Fourth, we will now consider the intended appointment of Shamsul Islam, intended appointee as member, Council of the College of Nurses of Ontario.

Mr Parsons: I move concurrence.

The Chair: Concurrence in the appointment is moved by Mr Parsons. Any discussion on the intended appointment?

Ms Horwath: Mr Chairman, again I apologize for not being here for the entire interview. I have a little bit of concern. I want to say, first of all, that I really respect this applicant's desire to participate and to find a way to make sure that we have committees and councils that are reflective of our community. That's extremely laudable.

I have some serious concerns, however, that even within the last couple of months after the application was put in, there doesn't appear to have been any serious attempts to learn more about the position for which he was applying, to gain some understanding and knowledge of what that role might be. That seemed to me very clearly reflected as a result of the questioning. Unfortunately, I'm not going to be able to support this member's appointment.

The Chair: Thank you, Ms Horwath. Further debate?

Ms Scott: I agree with Ms Horwath. I appreciate Mr Islam coming today and his community service, but I don't feel that he's qualified enough to sit on the Council of the College of Nurses of Ontario. So I will oppose his appointment.

The Chair: Thank you, Ms Scott. Any other comments from committee members?

Seeing no other comments—

Mr Tascona: Recorded vote.

The Chair: It will be a recorded vote.

Ayes

Berardinetti, Lalonde, Orazietti, Parsons, Smith.

Nays

Horwath, Scott, Tascona.

The Chair: The vote is five to three. The motion is carried.

Congratulations, Mr Islam, on your appointment to the Council of the College of Nurses of Ontario.

Folks, that concludes our formal business. Let me say with respect to next week's meeting that Mr Tascona has indicated he would like to pursue debate on the issue discussed earlier today.

My suggestion, the way I'm going to set up the agenda, is to begin at the regular time with our intended appointments. We have only three appointments scheduled for next week. That means that at 11:30, at the latest, hopefully, we could begin debate on Mr Tascona's item. OK? I think we should do the appointments first, get them done with, and that will leave the debate open from that point on.

Any other business? Thank you very much, folks. The meeting is adjourned.

The committee adjourned at 1145.

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Mr Lorenzo Berardinetti (Scarborough Southwest / Scarborough-Sud-Ouest L)
Mr Michael Gravelle (Thunder Bay-Superior North / Thunder Bay–Superior-Nord L)
Ms Andrea Horwath (Hamilton East / Hamilton-Est ND)
Mr Tim Hudak (Erie-Lincoln PC)
Mr David Orazietti (Sault Ste Marie L)
Mr Ernie Parsons (Prince Edward-Hastings L)
Ms Laurie Scott (Haliburton-Victoria-Brock PC)
Ms Monique M. Smith (Nipissing L)
Mr Joseph N. Tascona (Barrie-Simcoe-Bradford PC)

Substitutions / Membres remplaçants
Mr Jean-Marc Lalonde (Glengarry-Prescott-Russell L)

Also taking part / Autres participants et participantes
Mr Michael Prue (Beaches-East York / Beaches–York-Est ND)

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Wednesday 24 November 2004

Journal des débats (Hansard)

Mercredi 24 novembre 2004

Standing committee on government agencies

Intended appointments

Comité permanent des organismes gouvernementaux

Nominations prévues

DEC

Chair: Tim Hudak
Clerk: Susan Sourial

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 24 November 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 24 novembre 2004

The committee met a 1005 in room 151.

The Chair (Mr Tim Hudak): Good morning, folks. I'm going to call to order the standing committee on government agencies meeting, Wednesday, November 24.

We have no previous minutes to pass today. I think, as per our discussion last week, we'll go immediately into intended appointees. Mr Tascona has indicated that he wanted to bring a couple of items, which we hope to get to at around 11:30 or so.

INTENDED APPOINTMENTS

LILY HARMER

Review of intended appointment, selected by official opposition party: Lily Harmer, intended appointee as member, Financial Services Tribunal.

The Chair: Our first interview is with Lily Harmer. Lily is an intended appointee as a member, the Financial Services Tribunal. Welcome to the committee.

I think you probably know the process. You're welcome to make any opening remarks about your qualifications, your interest in the position, and then we will do a rotation, beginning with the official opposition, of 10-minute segments each with any questions they may have. Make yourself comfortable. The floor is yours.

Ms Lily Harmer: Thank you very much for the opportunity to speak to you today. I'm just going to provide a brief overview. I know you have my resumé. I'm going to speak about my experience, as I think it pertains to the appointment that you're considering today at the Financial Services Tribunal.

To go back almost to the start, I have, as you will note, a bachelor of commerce degree from Queen's University. I obtained that in 1981. In 1984, I qualified as a chartered accountant in both Alberta and Ontario, but I worked for the most part in Ontario. I practised with a large accounting firm, which was Clarkson Gordon at that time, until 1986. I bring that up in part because that experience and the expertise I developed as an accountant were something I have found to be quite valuable throughout my career. I then went to law school.

I graduated in 1989 from the University of Toronto. Since I began the practice of law in 1991, when I was called to the bar, I have found the business exposure and the financial training that I got as a chartered accountant to have been very helpful and useful to me in that practice. It has certainly given me greater insight into commercial matters, financial transactions; it has assisted me in my litigation on pension matters, which I'll talk about in a few moments; and; just generally; commercial litigation has been something that I've been able to deal with and sort of jump into without a lot of bringing myself up to speed. So that's been very helpful throughout my career. I think it will be very helpful in dealing with matters that are addressed by this particular tribunal, so I highlight that for you.

The beginning of my legal career was spent at Gowlings, a large downtown Toronto firm. I practised from 1991 as an associate; I became a partner in 1998. I was always in the litigation group. I've always been a litigator and advocate. I had the great good fortune, when I was a young lawyer, to work with some very able and eminent lawyers who really mentored me quite considerably throughout my career. These are people who are excellent and very highly regarded advocates, people such as Ian Scott, with whom I worked fairly closely for a couple of years. He was the former Attorney General, as you no doubt know. I also worked with Stephen Goudge, who is now a Justice at the Court of Appeal for Ontario. I continue to work with a number of their former partners, who are now my partners. I mention them again because often the experience you gain as a young lawyer, and what informs your practice as you develop, are the people to whom you're exposed, and that in turn informs the kind of work you do, the kinds of clients you have and the kind of advocacy you do.

Much of what I do pertains to administrative tribunals, which I think is particularly relevant, considering the appointment to the Financial Services Tribunal, which is of course an administrative tribunal. There's a whole area of law, as you know, that's developed around administrative tribunals that is somewhat unique. Although I also practise in the courts, I do commercial litigation, your basic contract disputes, employment disputes; I do all those kinds of things. Much of what I've done over the years and what I continue to do is administrative in nature. So I deal with issues of fairness, natural justice—that kind of thing—evidentiary issues, all the kinds of things that come up before an adjudicator of a tribunal such as the Financial Services Tribunal. I've always dealt with them as an advocate, not as an adjudicator, so it will be from a different angle if I am appointed to this tribunal. But I think the background that I have with respect to those issues will stand me in very good stead. That's certainly my hope.

Just to go back to my career history, I left Gowlings in July 2001. I did so with a group of 17 other lawyers. We left very amicably and we set up our own firm, called Paliare Roland—it has a longer name. I was one of the founding partners, in fact all 18 of us were partners right from the start. We've been practising for over three years now. We have a thriving practice. A couple of my partners are in the paper today. We just seem to have developed a lot of very interesting, challenging work. It's been demanding and very interesting, starting from the ground up, developing our own business. It's been loads of fun and we're having a great time doing it. We're going to carry on, we hope, for a long time.

1010

Over my career, I have done a very broad range of types of law and I think that stands me in good stead in a number of respects. In one respect, it means I haven't specialized in one particular narrow area, which sometimes means I have to do a lot more work in terms of research and preparing to deal with an issue, but on the other hand, I think it means I am fairly nimble in being able to respond to new issues that arise, knowing where to go to get answers, knowing how to formulate arguments and deal with issues that may be new.

I have appeared before a wide variety of tribunals. They range from the Ontario Labour Relations Board to the Grievance Settlement Board; the consumer relations appeal tribunal, which I don't believe exists any more but did for some period of time, to the Board of Funeral Services to the Ontario Human Rights Commission, that sort of thing.

I am assistant discipline counsel at the University of Toronto, which is a very interesting position. I act under their Code of Behaviour on Academic Matters. In essence we deal with allegations of student cheating. I'm a prosecutor there, so I deal with that. That's very much its own unique administrative tribunal with its own unique rules and circumstances.

I also act as a prosecutor at the Ontario College of Pharmacists, so I will prosecute pharmacists who run into discipline issues. It has a very structured set-up, not unlike the Financial Services Tribunal in that there's a pre-hearing conference and a number of things that are similar to what I understand is the procedure at the tribunal.

I have dealt with pension issues to a large extent throughout my career. I act presently for a large multi-employer, a jointly trusteed plan, the Hospitals of Ontario Pension Plan. I recognize that if they're dealing with any matters that come before the tribunal I will not be involved and I will have to recuse myself. Most of what I do with them takes me to the courts; it doesn't actually take me to the tribunal. I deal more with their disability benefits and challenges that members bring on that front.

I've also dealt with surplus issues from the side of employers—a large insurance company, liquidators, that sort of thing—and also I've acted for groups of members who have been dealing with windup issues and surplus issues in a number of cases. I've also done it from the business side, due diligence, dealing with pension issues as companies are being bought and sold.

I've also dealt to some extent with interpreting the insurance legislation in this province and across the country on behalf of a large American insurer who was doing business here. We needed to assist them to navigate the very detailed regulatory requirements of the Insurance Act. That was dealing with licensing issues and other regulatory matters. I haven't done that in some time, but the act hasn't changed as far as I'm aware.

I've told you about the prosecutions I've done.

I also act as defence counsel for other disciplinary matters. I appear from time to time before the Institute of Chartered Accountants of Ontario when fellow members of that institute run into disciplinary troubles.

I act in addition, and somewhat outside the scope probably of this tribunal, for the Steelworkers in their ongoing dealings with various insolvency matters. We are currently acting in Stelco and I work on that quite extensively. We're acting in a couple of others—Ivaco and Slater Steel. We did Algoma. Those present very unique challenges. There's a really interesting interaction between basic labour law and insolvency law, and then the whole sort of financial milieu of bondholders and shareholders and all that kind of thing. It's a really interesting mix. The union has a very unique perspective and a very unique role in that kind of case. So the advocacy skills you're called upon to use are very—you multitask for the most part.

I act also as counsel to the city of Toronto in the Toronto computer leasing inquiry. My role is just about wound down. In two weeks, we will be submitting our written submissions. I'm very involved at the moment in writing, amassing almost two years of evidence and 20,000 documents. I mention that because in the course of my career, of course, writing has been something very central to what I do. We write opinion letters. We make submissions to court and to tribunals all the time. One of the components of the role at the Financial Services Tribunal that a member obviously has to fill is writing reasons. That's something I'm doing a little too much of at the moment, but shortly that'll be over so I'll be ready to do it again.

In any event, one other thing, and then I'll finish, is that over the course of my career I seem to have had to interpret a inordinate amount, for a variety of reasons. I have been very involved in parsing the language very carefully, depending on what position my client needs me to take. That's something else that I'm quite familiar with.

In summary, I hope I've summarized the parts of my experience and expertise that are relevant to the tribunal and that it assists you. I certainly look forward to the opportunity to be of service in this regard.

The Chair: Thank you very much for the extensive presentation. We'll go into the rotation, beginning with the official opposition.

Ms Laurie Scott (Haliburton-Victoria-Brock): Thank you very much, Ms Harmer, for appearing before

us today. You have a very busy schedule. Are you still going to be able to practise law and fill the part-time position offered today?

Ms Harmer: That's my intent, yes. I believe that the chair is retired, but that most of the members of the tribunal, or a majority of them, are part-time appointments and have busy practices as well.

Ms Scott: So they've been able to manage it. Did they say how much time it usually takes per month, roughly?

Ms Harmer: I was told it would be a day or two, but that it was somewhat uncertain because of the recent Monsanto decision from the Supreme Court. I think there's some expectation that there may be increased demands on the tribunal for a period of time. I also understand, however, that there have been a number of appointments recently to address that issue. I've been told about a day or two, plus there will be days that I will have to spend dealing with writing reasons, in my office or at the office, not exactly appearing.

Ms Scott: Have you ever appeared before the Financial Services Tribunal before?

Ms Harmer: I haven't actually appeared on anything but a pre-hearing, and that was many years ago. I have written letters to the commission from time to time and the matter has always been resolved early on in that regard. I believe the pre-hearing was on the phone. I don't recall ever actually going into a hearing room there. So it's not at all a large part of what I have done in the past.

Ms Scott: Have you ever been a member of the Liberal Party?

Ms Harmer: No, I have not.

Ms Scott: You've never made donations to the Liberal Party?

Ms Harmer: No, I have not.

Ms Scott: Who is your MPP right now?

Ms Harmer: I forget his name. I'm sorry. He's new. I apologize.

Ms Scott: OK.

Ms Harmer: I know his name; I forget it. Kathleen Flint?

Ms Scott: Kathleen Wynne?

Ms Harmer: Kathleen Wynne. That's it. I apologize.

Ms Scott: You applied October 15, and it's now November 24. How did you hear about the appointment?

Ms Harmer: I actually applied in September, I believe, and then was asked to send—I think something went missing. I was contacted, I believe, by the acting chair at the time, Colin McNairn. I think it was in late June. I went back in the file to check. He asked me to consider putting my name forward and submitting an application. He was looking at that time to fill a number of vacancies, I believe.

Ms Scott: Who is he? Sorry.

Ms Harmer: He is now the chair of the tribunal. He was the acting chair, I believe, when he called me. He was co-chair with Anne Corbett at that time. He called and we chatted for a while. It was something I had to think about. I was about to go on vacation, as was he, so I indicated I would think about it over that period of time. Then at the end of July, Anne Corbett contacted me—she was the co-chair—to follow up on the first phone call to see whether I had come to any conclusions. At that time I indicated I would be interested and she asked me to submit an application. I believe I did that in early September. It was nicely typed and everything. Then I got a call from the tribunal when my assistant was away, saying, could I do it again, and that one is all scrawled and handwritten. I don't know why. In any event, that was October.

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Ms Scott: Thank you very much. I think my colleague would like to ask some questions.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): Thanks for coming. I appreciate your background. You come from a very good firm. I know some of the members there. I can also say that I wanted you here because of your pension background. We have some issues that we want to deal with and that we have been dealing with, and I think your expertise is going to be very valuable on that tribunal.

One of the matters that has caused a great deal of concern to myself and my colleague Laurie Scott, and Ms Horwath also, is, more specifically, the Participating Co-operatives of Ontario Trusteed Pension Plan. This is a matter that has been raised in the Legislature on one occasion or more. I have been working on behalf of my own constituents, as Laurie and Ms Horwath have, on this particular issue. Are you familiar with this issue?

Ms Harmer: I'm afraid I'm not.

Mr Tascona: I'll give you a little background then. The Minister of Finance was questioned recently in the House. The Participating Co-operatives of Ontario Trusteed Pension Plan represents over 2,300 former employees of Ontario's farm and dairy co-operatives. Their pension plan has been fatally damaged by a risky investment strategy that went terribly wrong, negligence on the part of the province's pension overseer, the FSCO, and a huge hole in the mandate of the province's pension protector. Eighteen months ago, their very modest pensions of about $700 per month were cut to $350 per month, and their plan is soon going to be wound up. I take those facts from my colleague Ms Horwath.

The response from the Minister of Finance was, "The reality in the province is that there are two types of pension plans: those who pay into something called the pension benefits guarantee fund and, in that way, have their pensions protected in some measure, should things go wrong with the plan; and there is another group of pension plans in the province that doesn't pay into this plan and therefore does not have this insurance protection when something goes wrong with their plan."

The suggestion that was given by the Minister of Finance to the questioning was, "Some of the representatives of this pension plan have actually taken the right steps by commencing a class action against the trustees who were responsible for the plan." That's true, because there is a case, Martin versus Barrett at the Participating

Co-operatives of Ontario Trusteed Pension Plan. About 2,300 employees of the farm co-operatives in Ontario filed a class action after their pension plan sustained a shortfall of nearly 50%. They named Canada Trust, Canadian Imperial Bank of Commerce, CIBC Mellon Trust and CIBC Mellon Global Securities as defendants, as well as a full range of consultants and actuaries.

I'm going fast because we haven't got that much time. I apologize.

It's an important issue and you've got some expertise. Essentially, you'd be familiar with the class action approach now coming out in the pension field.

In your opinion, if you can offer something to us, what sort of rules or protections do you think should be put in place so that this sort of thing does not happen again? You have worked with Ian Scott and Mr Roland. During the 1980s, they did bring in changes to pension legislation—I believe it was in 1986—and by happenstance, the Liberal government at that time made the changes that put these people in the predicament they are in now. I'm just wondering if you have any comments you could offer us here today because you are a pension specialist.

Ms Harmer: It was a long and thoughtful question. I'm not sure I have a very good answer. I must say that I don't know the details of that class action lawsuit. I also think that being considered for an appointment to the tribunal and, therefore, becoming an adjudicator puts me in an awkward position with respect to trying to respond to more of a policy kind of issue. I don't think it would be appropriate for me to speak, even if I had much help, and I'm not sure that I would be of very much help to you in any event, not knowing enough about the issue. I don't think it's appropriate to speak about policy when I may be adjudicating on that very issue at some point in the future.

Mr Tascona: Do you have some familiarity with the hospital plan? Would it be covered under the pension guarantee fund, or is it outside?

Ms Harmer: I'm not even sure. That issue hasn't arisen with me. It certainly has arisen in the Stelco situation. I'm certainly aware of the existence of the fund and of the parameters, but I don't know how it pertains to the plan you are talking about. Again, I don't have anything that I think would be of assistance to you that I could offer.

Mr Tascona: Thank you.

The Chair: Third party?

Ms Andrea Horwath (Hamilton East): Just in following up on the comments by Mr Tascona, multi-employer pension plans are not covered by the pension benefit guarantee fund, so the co-operative dairy farmers were not, because they were multi-employer.

We, the NDP, are just coming off of a weekend convention where pensions were a significant issue, and they are a growing issue for people in this province. We certainly stand firmly behind our principles of having pensions protected, having them portable, having them indexed. Those are very important principles that we'd like to see as the government says they might start looking at pension reform. I think there's a lot of opportunity for pension reform.

I don't actually have any questions, because, looking at your resumé, hearing your presentation, understanding your experience and your breadth of knowledge on the issues, particularly on pensions, I feel very comfortable that you'll make an excellent appointment to the tribunal.

I don't have any further questions, Mr Chairman.

The Chair: Mr Kormos, anything?

Mr Peter Kormos (Niagara Centre): No, I concur with Ms Horwath entirely in terms of the competence and the ability of this candidate. It's a pleasure to see somebody of her calibre here.

Ms Harmer: Thank you.

The Chair: There you go; high praise.

To the government side, the presentation did take up the whole 10 minutes.

Mr Ernie Parsons (Prince Edward-Hastings): If we had time, we would agree with the other two parties.

The Chair: Perfect. Ms Harmer, thank you very much for your presentation. As you may know, we do concurrence, the vote on our intended appointees, at the end of the session. Probably around 11:30 or so that will take place. Make yourself comfortable and enjoy.

ROLAND MONTPELLIER

Review of intended appointment, selected by official opposition party: Roland L. Montpellier, intended appointee as member, Cancer Care Ontario.

The Chair: Our next intended appointee is Mr Rolly Montpellier, intended appointee as a member of Cancer Care Ontario. I see Mr Montpellier joins us from Chelmsford, Ontario. Did you know a Mike "Macko" Mackenzie from Chelmsford, Ontario, by any chance?

Mr Roland Montpellier: Sorry, the name?

The Chair: Mike "Macko" Mackenzie.

Mr Montpellier: No, I don't, actually.

The Chair: He worked here for a while. I just thought it was a small enough town—anyway, that's a distraction.

Mr Montpellier, welcome to the committee as an intended appointee for Cancer Care Ontario. You were kind enough to be here even before the Chair this morning, so you've seen the process in action. We'll begin any questions with the third party, and, sir, the floor is yours.

Mr Montpellier: Thank you, Mr Chairman. For those of you who don't know where Chelmsford is, it's just outside of Sudbury, which is a bigger centre.

Mr Parsons: I spent part of my honeymoon there.

Mr Montpellier: In Chelmsford? Really?

Mr Kormos: Is there a story there?

Mr Parsons: Yes, there is.

Mr Kormos: Which part, Ernie?

Mr Montpellier: I'll relinquish my statement if you want to elaborate.

Indeed, it's a privilege to appear before this standing committee. Before proceeding to question period, I would just like to provide you with a brief overview of

who I am and also why I have applied to the Public Appointments Secretariat for the opportunity to serve on the CCO, Cancer Care Ontario.

When I did submit my application to the secretariat, I kind of took a shotgun approach, because I named the various agencies that were of interest, but you will see from my comments that Cancer Care Ontario is closer to my heart.

I have been retired now for a little bit over a year, after completing a career of about 34 years as a public servant, the first 20 years or so with the public service of Ontario and the last 14 years in school board administration in Sudbury with two different school boards.

During the past six years, I was the superintendent of business of the French-language Catholic school board. Those were very challenging years in education, as you know, with the pretty massive restructuring in education, reducing the number of school boards from 132 to 72. I was directly involved with the amalgamation of six school boards into one board. Hence, I'm quite familiar with restructuring issues and consolidation issues and the major organizational change that is required in those circumstances.

In passing, I did support the Conservative government's initiative of the time to restructure education. I believe education would be best served by having fewer paid administrators such as myself, even though I was somewhat in jeopardy and insecure about what would happen down the road in terms of employment.

Of course, we've seen similar initiatives since then in the municipal field, as well as in the health field.

1030

I also had the opportunity to be a school board trustee, or an elected official like many of you in the room, albeit on a much smaller scale with a school board. Those were very challenging years as well.

More pertinently, in the health field itself, I had the good fortune of being involved as a member of the Laurentian Hospital board in Sudbury. I was chair and vice-chair during the years 1993 to 1997. I have the dubious distinction of being the last chair of the Laurentian Hospital board, because the corporation was dissolved in favour of an amalgamation of the three local hospitals, first to a transition board on which I served, and then, following that, the Sudbury Regional Hospital board.

Through the years, I've served on many boards—I believe it was six different boards—and also on several Ministry of Education work groups or study groups, provincial associations and the Fair Tax Commission. So I've acquired a lot of board experience, and I think that this would be an asset for me, of course, as a potential member of the CCO board.

During my retirement, it is my objective to continue to be productive, active and involved in my community at the local and provincial levels. I have several projects underway. One of my projects is the construction of a retirement home on a lake in Barry's Bay, so we will be moving from Chelmsford to Sudbury now, and later on to Barry's Bay. Barry's Bay is about an hour and a half east of Huntsville.

I found out something strange lately. Apparently, west of Highway 11 is considered the Muskokas, but if you're east of Highway 11, where land values are little bit less, you're not really in the Muskokas.

Ms Monique M. Smith (Nipissing): You're Ottawa Valley.

Mr Montpellier: Ottawa Valley, there you go, a beautiful area—in passing.

I'm also in the process of becoming a certified retirement coach or adviser. Again, this is to provide prospective or existing retirees some assistance, if they require help, to reorient themselves.

I currently do some consulting work with the School Boards' Co-operative Inc, which is a co-operative that is located in Toronto but provides services to school boards and workers' compensation—attendance management and those kinds of services.

As far as community service is concerned, I have a very personal reason for accepting this board appointment, if I am successful. My wife is a cancer survivor. She was diagnosed with stage 4 lymphoma in 1982, when she was 34 years old. She was given a 15% chance of survival.

It's thanks to the support, the expertise, the caring and the compassion of all of the health workers who have been involved with her over the years, in a system which I consider to be one of the best in the world, although it is undergoing a lot of changes and challenges, that she is a survivor, and we've gone on to raise two children, who live in Ottawa. She's been able to see them graduate, get married—and hopefully, on to becoming grandparents someday.

I have an awful lot to be grateful for. This is my way, I suppose, of starting to pay back my debt, in a very small way, to Cancer Care, a debt which I will never be able to pay off.

Very quickly, I've done a lot of reading and research in preparing for this interview, but it seems that the more I scanned through, the more there was to research. I was not aware of the multi-faceted approach to cancer care in Ontario, from treatment to research to education to public education, human resource development, capital projects. It's a very huge undertaking.

As I've said before, these are challenging times, but it seems now there is the desire and certainly the political will across the nation to deal with health issues. I certainly hope I can be a part of that in Ontario. To that end, I hope you will endorse my nomination.

The Chair: Thank you, Mr Montpellier, for the presentation and the extensive background.

Beginning with the third party: Ms Horwath, do you have any questions?

Ms Horwath: Good morning and welcome. I'm going to ask a few standard questions and then a few more detailed questions.

Are you currently a member of the Liberal Party?

Mr Montpellier: I have been a card-holding member, but I think my membership has expired. It seems to

renew itself at election time. I don't think I'm currently holding a card, but I have.

Ms Horwath: Are you a donor to the Liberal Party?

Mr Montpellier: I have been.

Ms Horwath: I see by your resumé and from your discussion that you have some experience serving on the school board as well as some personal experience with the cancer issue, as well as other hospital-related issues. I'm wondering if you could speak to the issue of statistical data that are collected by Cancer Care Ontario, particularly whether you have an opinion as to whether it's appropriate to collect statistics on workplace origins of cancer—carcinogens in the workplace—and whether you think it's important to determine whether people have perhaps been exposed to carcinogens in the workplace.

Mr Montpellier: I think it's very important that any potential source of cancer be detected and that statistics be accumulated or compiled on the incidence of cancer. I was surprised in my research and reading that we've not made a whole lot of progress in cancer care. There have been some cancers where the incidence has gone down, but unfortunately there are other cancers where the incidence has gone up. There isn't a lot of information, at least that I saw, on the incidence of cancer in the workplace.

Since prevention is, in fact, key to reducing waiting times—if there are fewer people getting the disease—it will solve a lot of the issues which are very important right now with cancer treatment. The workplace is certainly one and, of course, the effects of the environment as well.

Ms Horwath: If you're appointed to the board, which you likely will be, do you think you would be able to advocate for the inclusion of that kind of data, that kind of analysis?

Mr Montpellier: I think the follow-up answer to what I just said would be, yes, I see all sources of cancer as being worthy of exploration or investigation—absolutely.

Ms Horwath: You referred a little bit in the previous answer to waiting times particularly. I think that's very astute. Do you have any recommendations, other than what we've just spoken about in regard to prevention, in terms of how we get those waiting times down?

Mr Montpellier: I'm aware of the current initiative involving Dr Hudson, who has been seconded, for lack of a better word, to study waiting times. I know the current government will be spending some of its federal funds to deal with that issue. As for specific suggestions, not really. I agree with the initiative, first of all. As I said, prevention is key. Waiting times also have to be looked at in terms of distribution of population and distances travelled.

I come from the north, so I'm aware that residents of some communities have to travel far for services. I know that's a little bit different than waiting times per se, but there are a lot of issues surrounding waiting times that have to be looked at along with the other issues.

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Ms Horwath: I'm glad you raised the issue of access to services. Currently, there are a number of potential cancer care regional centres that are on the books to be developed, to be built. In fact, there's one in the process of being built right now for the Peel Regional Cancer Centre. I'm wondering if you have any specific opinion on what the prioritization process should be for new cancer care facilities because, as you know, the demand is high. I'm wondering if you can speak to what you think would be the way to set priorities in the process.

Mr Montpellier: I'm not aware of the current process, but I would think it would have to deal with the incidence of cancer, the density of population, distances to the centre, the association with a host hospital and whether the host hospital can accommodate the patient care that would be generated by having a centre as well. I would think those are probably some of the criteria being used now.

I'm aware of the competition between communities too. I've heard that Sault Ste Marie is on that list, I believe, and Barrie and Newmarket. There are a lot of centres that would certainly be well served by adding more of them.

Ms Horwath: Those are my questions. I don't have any further. I think my colleague here has something to say.

Mr Kormos: I'm loath to interrupt the examination of this attendee, but I wanted the committee to know that we are being visited by Michael Adler, who is a student at the Community Hebrew Academy of Toronto and who is spending a chunk of time today here at Queen's Park to see what his elected officials really do to earn a living. Committee, say hello to Mr Adler, please.

The Chair: Good morning, Mr Adler. Do you have to spend your day with Mr Kormos, Mr Adler?

Mr Kormos: No, no. He's not being punished. This is supposed to be a learning experience.

The Chair: Any other questions? Mr Adler, unfortunately you don't have the ability to ask questions of the intended appointee.

To the government, any questions?

Mr Parsons: No, we have no questions.

The Chair: Very good. Thank you, Mr Montpellier, for your presentation and questions. Now you have to suffer Mr Tascona.

Mr Tascona: Thank you for coming here today. The Public Appointments Secretariat prepares brief biographical sketches for committee members so that they may evaluate who should be called before our committee. Your biographical information was, I think, incomplete. It did not show any evidence of experience, or even an interest, in health care issues. I just want to set the record straight that nowhere in the information we were provided—and this is biographical information; it was in your resumé—did it mention your involvement as chairman of the Laurentian Hospital board of directors or your position as a member of the restructuring task force for health care. I am, quite frankly, disappointed that they

would overlook this experience, but perhaps it was because you placed the details in the part of your resumé titled "Political activities." I raise the matter at this time because we've been trying to make sure that the information we are being provided is complete so we can make informed decisions about who should be called to appear before the committee.

I called you out of self-interest, because the Royal Victoria Hospital is in my riding of Barrie, and the Southlake Regional Health Centre is just outside my riding, but it serves my constituents in Newmarket. I'm going to ask you a question on that, because you have commented on the need for cancer care centres in both those areas, Royal Victoria Hospital and Southlake. That's the reason why I called you.

Do you also know Janice Skot? She is now the new head of RVH and I think she served at Sudbury Regional Hospital.

Mr Montpellier: Yes. As I said before, I had the dubious honour of being the last chair, and Janice Skot was the last CEO, of Laurentian Hospital. We were quite involved in the restructuring process that the Sudbury community went through during those years. In fact, that's really how I heard about Cancer Care Ontario. I was still under the impression that the regional cancer treatment centres had their own boards, because I'd been out of health care for six or seven years and, with my superintendent's job at the school board, I really did not have time to have any community involvement.

Mr Tascona: We're excited as a community to have her. She seems very capable.

Mr Montpellier: She is, absolutely.

Mr Tascona: She has a very strong interest. The Royal Victoria Hospital is being considered for a new cancer care centre. I think you're aware of that.

Mr Montpellier: Yes, I am.

Mr Tascona: So is Southlake Regional Health Centre in Newmarket. Are you aware of that?

Mr Montpellier: I'm aware of both, yes. I don't know the issues. I understand they're fairly close to one another.

Mr Tascona: They're both preparing plans. They've been given money by the government in terms of that. That process was approved when we were in government back in August 2003. Since then, things haven't moved very quickly under the current government. In your opinion, and from what you know of this, would you agree that cancer care centres would serve the area well in RVH and Southlake Regional Health Centre?

Mr Montpellier: You know, it's very difficult. If you're asking me whether one centre or the other—

Mr Tascona: No, I mean both.

Mr Montpellier: Oh, both.

Mr Tascona: I'm not categorizing any of them.

Mr Montpellier: Intuitively, I would have to say yes, because I know there's such a huge need for cancer treatment. But I suppose when I get all the facts, if I'm appointed to the board, I'll be in a better position to advocate or to support both.

Mr Tascona: There are people from Barrie and other areas who go to Sudbury. You have a cancer care centre.

Mr Montpellier: Yes, we do.

Mr Tascona: Most of the people from my area go to Princess Margaret in Toronto to get service. When you're unwell and facing such a threatening type of disability and you need life-saving treatment, it's nicer to have it closer to home and family. You'd agree with that?

Mr Montpellier: I would agree with that 100%, because when my wife had cancer in the early 1980s, we were travelling to Toronto. We did not have any regional cancer treatment centre in Sudbury. As good as the care was at Princess Margaret, it was not close to home, obviously.

Barrie is a booming community. It's very well located in terms of access to the hospital. It's right on the 400. It seems to have a large chunk of land to accommodate development. I see all of those as strong assets for that particular site.

Mr Tascona: I know my colleague wants to ask a question on that, so I'll be brief in finishing. I noticed on your resumé that you were the area coordinator for a candidate in the last provincial election. Who was that?

Mr Montpellier: It was Chief McCauley, a former police officer, who ran—

Mr Tascona: He was the Liberal candidate.

Mr Montpellier: He was the Liberal candidate, that's correct.

Mr Tascona: You also mention in your resumé you were CFO for the riding candidate in the 1993 and 1997 federal elections. Who was the candidate?

Mr Montpellier: That would have been Ray Bonin.

Mr Tascona: What party was he?

Mr Montpellier: Liberal.

Mr Tascona: OK, I'll pass it on to my colleague.

Ms Scott: Thank you for coming down and appearing before us today. I will tell our colleague John Yakabuski that you're moving to Barry's Bay in his riding and to look for you when you move there.

Mr Montpellier: What is his name? I'm sorry.

Ms Scott: John Yakabuski.

Mr Montpellier: I'll need the spelling of that.

Ms Scott: Apparently, it's on the hardware store in town. I'm sure you won't miss it.

Mr Montpellier: OK, I'll look for it.

Ms Scott: I do appreciate your volunteering on the boards of directors of the hospitals before, and your research in cancer care even just prior to coming here. You mentioned that a lot has been discussed about access. I have a rural riding in Haliburton-Victoria-Brock. Our access to cancer care is going to be in Lakeridge, which was mentioned previously. Other than accessibility, what other things would you like to see cancer care evolving into? You've done some research—and I'm not overly familiar with the board.

Mr Montpellier: There are some issues around developing more and better screening programs. I know there's an excellent screening program for breast cancer, and there is some discussion about whether there should

be one for prostate cancer for men and also all of the colorectal cancers. I think that ought to be a priority, because early detection, along with prevention, would go a long way toward reducing the mortality rate associated with cancer.

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Ms Scott: My background is nursing, and there certainly is preventive medicine that needs to be more developed. Peterborough has an excellent breast screening clinic and works in association, I believe, with Lakeridge. Would you like to see more screening—I have a smaller hospital in Lindsay, in Haliburton, for example—done at the local hospital sites?

Mr Montpellier: It's hard for me to answer. I was under the impression that there was a lot of screening going on at different sites. I'm not sure if people have to travel a long way for screening. They have to?

Ms Scott: It varies, I'm sure.

Mr Montpellier: It varies? I know we have a screening program for breast cancer in Sudbury. I assumed most of the communities had that, but I'm not aware of that. I'm not sure when I say that.

Ms Scott: It will be interesting when you sit on the board to see what the different areas offer and to maybe collaborate further.

Mr Montpellier: The level of care?

Ms Scott: Yes, the level of care.

Those are all the questions I have for today. Thank you very much for appearing.

The Chair: Thank you, Monsieur Montpellier, for the presentation. As you know, we'll move to concurrence after the next presentation, so you're welcome to stay, make yourself at home, have a nice, warm coffee; whatever you like.

Mr Montpellier: Am I asked to stay?

The Chair: You're free to do what you choose. It is getting very exciting though.

Mr Montpellier: It is.

The Chair: We will have the vote probably in about a half hour's time.

Mr Montpellier: OK. Because I want to beat the snowstorm out of here.

The Chair: I understand. Your call.

Mr Montpellier: OK. Fine. Thank you very much.

The Chair: It will be on the news tonight, of course, so you might catch it on MCTV.

Mr Montpellier: Sure.

EMANUELA HEYNINCK

Review of intended appointment, selection of official opposition party: Emanuela Heyninck, intended appointee as head of the office, Pay Equity Office.

The Chair: Our next intended appointee is E.P. Emanuela Mandy Heyninck.

Mrs Emanuela Heyninck: It's quite the mouthful.

The Chair: Exactly. E.P. Emanuela Heyninck. Ms Heyninck, welcome to the standing committee on government agencies. Ms Heyninck is an intended appointee as head of office at the Pay Equity Office. This is a rather unique title: head of office.

Mrs Heyninck: Certainly. First of all, to clarify my name, it's either Emanuela Heyninck or E.P. Mandy Heyninck. It's very confusing, but most people have difficulty—

The Chair: What would you like me to call you for the record?

Mrs Heyninck: Mrs Heyninck would be fine.

The Chair: Mrs Heyninck, welcome. For members of our committee, we'll begin the rotation this time with the government members. You're welcome to make a presentation about your qualifications and your interest in the position. I think you've been in the audience for the last presentation. The floor, Mrs Heyninck, is yours.

Mrs Heyninck: Thank you, Mr Chair and ladies and gentlemen, for allowing me the opportunity to speak to you this morning. I sincerely hope that at the conclusion of this interview you will be able to concur with my appointment to the Pay Equity Commission.

I have for many years been following the evolution of pay equity with a great deal of interest because of my knowledge of the day-to-day and significant impact the wage disparities between men and women have on women, children, and society in general.

As a family lawyer, I'm all too aware that women continue to bear the primary burden of care-giving and child-rearing responsibilities while becoming, in all too many cases, the sole financial head of the household.

Because women continue to earn less than men, they are disadvantaged in very real ways from the day they enter the labour force until the day they leave. Apart from the psychological impact of having work undervalued, women pay less taxes, they contribute less to EI and are therefore less equipped financially to put up with the vagaries of the changing work environment through downsizing and restructuring. They also contribute less to company pension plans and CPP payments, again making women economically vulnerable in retirement years and old age, all at a time when women's life expectancies are lengthening.

In my volunteer work, which I see as an alternative career, really, I've always committed my time to organizations that have had a very strong advocacy component to them.

I think you have a copy of my resumé with you and, as you can see, I'm currently the chair of the Middlesex Family Lawyers Association. I'm also the chair of the collaborative law group in London, and I sit on the executive of the Ontario Collaborative Law Federation. I'm also a co-chair of a charitable organization called Investing in Children, which in the last few years, along with its many other ventures, has been a participant in the Early Years projects. I also was appointed last year to sit on the Family Court resources committee.

I have been fortunate to sit as the policy vice-president as well for the London Chamber of Commerce. I sat on that board for about three years.

I am also currently the policy adviser for the London Business and Professional Women's Club. I've held that position for about six or seven years. This latter organization has always had a fairly significant role in advancing pay equity issues. Actually, it was in that capacity that I discovered the vacancy that I applied for through the Public Appointments Secretariat.

My work with both the chamber and the businesswomen's club especially has given me a good sense of balance, which I think is essential in effectively promoting the objectives of the Pay Equity Commission. I think the need for pay equity continues. It's an essential requirement if Ontario wants to promote a strong and vibrant labour force. As well, however, there has to be a recognition that implementation of pay equity comes at a significant cost. If businesses and organizations are to buy into the cultural change that's required to address a systemic problem like pay equity, attention has to be paid to their concerns as well.

Having had experience as chair on a number of boards and with my legal career as well, I've achieved the skills necessary to have that balance in making any kind of decisions as chair of pay equity.

At the outset, and because this has been a question you have posed to other candidates, I am a member of the Ontario Liberal Party. I'm also a member of the federal Liberal Party of Canada. Until recently, I was the Ontario policy chair for the Liberal Party of Canada. I resigned that position earlier this summer.

I welcome any questions that you might have for me.

The Chair: Thank you, Mrs Heyninck, for the presentation. As I mentioned, we'll begin any questions or comments from the government members.

Mr Parsons: No questions.

The Chair: Seeing none, we'll move to the official opposition. Mr Tascona?

Mr Tascona: You're thorough today.

Mr Parsons: We've done our homework.

Mr Tascona: I want to thank you for coming. I appreciate it because I consider the Pay Equity Commission to be very important in the labour field. But I want to ask you off the top: Who's your MPP?

Mrs Heyninck: My MPP is Deb Matthews.

Mr Tascona: Did you have any discussions with her about the position before you applied, or after?

Mrs Heyninck: No, I did not.

Mr Tascona: OK. From what I understand, the Pay Equity Office has the responsibility of implementing and enforcing the Pay Equity Act. Part of the responsibility includes providing information to the public about the act, but part of the responsibility also includes investigating, mediating and resolving complaints under the act. You have a very strong background in the family law field. I just want to ask you about your background, what you think prepares you to administer this type of an operation.

Mrs Heyninck: I think the experience comes from all of the volunteer work I've done in the various boards and committees I've sat on and chaired. Having done that, I think I have acquired the skill that's necessary to look at the importance of building relationships with the various stakeholders.

Certainly, there are also always competing interests in any policy project or field, and I think it's essential that there be a person who's able to look at all of the multifacets of any situation and be able to balance what the needs are of all the stakeholders. I think I've done that in all the boards and organizations that I've belonged to.

Mr Tascona: You're with a law firm. Do you envision your law firm appearing in front of the Pay Equity Commission?

Mrs Heyninck: No, not at all.

Mr Tascona: I was wondering what was involved in obtaining a full-time appointment such as this. Could you let us know how you heard about the position? Did you talk to anybody in the government about your application?

Mrs Heyninck: Yes. As I said in my opening, I was doing research for the Business and Professional Women's Club locally, actually. I monitor policy issues for them on an ongoing basis, and they had asked me to look into pay equity issues for them. So I was doing a fair bit of research on the Ontario Pay Equity Commission and discovered that this appointment was available.

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I would tell you as well that for the last few months I have been looking to move out of private practice and engage in something that's a bit more broad-based and in the policy field. When I saw this vacancy was here, I was quite interested in the appointment and I submitted my application to the Public Appointments Secretariat. I've had a couple of conversations with them in terms of how to put the application forward.

Mr Tascona: Some of the responsibilities at the Pay Equity Commission include conducting research and producing papers and, most importantly, making recommendations to the minister, who is currently Mr Bentley. Do you know him?

Mrs Heyninck: Yes, I know Mr Bentley.

Mr Tascona: OK—or conducting studies that have been requested by the minister. Have you had any conversations with anybody regarding the types of studies or research you will be asked to conduct as the head of the Pay Equity Office?

Mrs Heyninck: No.

Mr Tascona: What would you like to accomplish as head of the Pay Equity Office? I think, as I said, it's a very important role in labour relations and fairness in this province.

Mrs Heyninck: I think, from my observations of the pay equity issue, that it is of very vital importance to women in the labour force. I think a lot of public education is still necessary. I would like to see more linkages with the business community in terms of getting their buy-in to the pay equity issues. That would probably be something I would like to accomplish.

Mr Tascona: Yes. I'd have to comment that I think pay equity, in terms of public awareness, has been below

the radar screen. That probably would be a good thing to do, in terms of bringing it and its importance to the public's awareness. Any other thoughts you'd like to add?

Mrs Heyninck: I don't think so. Thank you.

Mr Tascona: Thanks very much.

The Chair: To the third party. M. Bisson, any questions for the intended appointee?

M. Gilles Bisson (Timmins-Baie James): Bonjour, madame. Comment ça va aujourd'hui?

M^me^ Heyninck: Bonjour. Ça va bien.

M. Bisson: Vous parlez français, je vois.

M^me^ Heyninck: Un petit peu. J'ai un diplôme en français.

M. Bisson: À Strasbourg. C'est joli. How long were you there?

Mrs Heyninck: I was there for five months. I must say my pronunciation, unfortunately, is a bit rusty.

Mr Bisson: Was that part of trying to strengthen language skills or more—

Mrs Heyninck: I actually graduated with a French and Italian degree a long time ago.

Mr Bisson: Ah, Firenze. A Florentine steak is so good.

Mrs Heyninck: Absolutely.

Mr Bisson: A nice bottle of wine. How we digress. That's interesting. I always find that, unfortunately, not a lot of people do international studies. I think it really broadens somebody's perspective on what they've got to do.

I noticed you certainly have all the qualifications from the technical side as far as where you're going. I'm just wondering, from your volunteer side, have you ever in any way acted within any group within the women's movement? Do you consider yourself a feminist? Are you active in that area?

Mrs Heyninck: That's a tough question. I'm a female and I'm very interested in women's issues, certainly children's issues and women's issues. But I think my experience has been pretty broad-based. So, have I participated in specific women's groups? The business and professional women's club probably is about the only club that would be geared only to women.

Mr Bisson: You know that within the women's movement the pay equity issue has been probably one of the big issues that women have had to deal with and continue to have to deal with. That's why I'm trying to get a bit of a sense of where your background is. Are you sympathetic to the cause? I guess that would be the first question.

Mrs Heyninck: I wouldn't be applying for this position if I weren't sympathetic to the pay equity issue.

Mr Bisson: I've got to ask you the question, right?

Mrs Heyninck: As I said in my opening, as a family lawyer I've become very knowledgeable about people's budgets and the comparisons between husbands' wages and wives' wages.

Mr Bisson: Have you ever acted on behalf of any organization, a union or whatever, that has been trying to move forward on the pay equity issues?

Mrs Heyninck: No, I have not.

Mr Bisson: Have you ever acted in that capacity?

Mrs Heyninck: No. I don't have that experience.

Mr Bisson: And you're not active with any particular group out there that may be associated with pay equity in any way, shape or form?

Mrs Heyninck: No. Again, other than the Business and Professional Women's Club that has made submissions on pay equity over the years—

Mr Bisson: Just a bit of a sidebar: I'm a strong believer that on these boards you need to have a broad representation. You have to have the strong technical side, but you also have to have people who, quite frankly, have the issue at heart. I'm not saying you don't, but there's a difference between a person who's been an activist and a person who comes at it from more of a technical point of view. That's why I was trying to seek—

Mrs Heyninck: I'm actually coming at it as an advocate more than from the technical side. I think, though, it's important to recognize that there are a lot of stakeholders here who have to implement this and, in order to get that kind of systemic change—

Mr Bisson: So why this commission, then? Obviously, this was your pick. What brings you to this particular commission? Why this and not something else?

Mrs Heyninck: I found this position to be vacant. I have always followed pay equity issues. Even though I haven't been actively involved in advocating for pay equity per se, I think it's vital for women and I think it's vital for the Ontario labour market to recognize that pay equity needs to be accomplished. I found that the position would offer the challenges I was looking for.

Mr Bisson: How long ago did you apply for this?

Mrs Heyninck: I believe I submitted my application in September.

Mr Bisson: This September?

Mrs Heyninck: Yes, early September.

Mr Bisson: That's pretty quick. That's not bad at all, actually. Did you get any support from anybody in that application?

Mrs Heyninck: Not that I'm aware of.

Mr Bisson: You're self-applied? You're not a political appointee at this point?

Mrs Heyninck: Not that I'm aware of.

Mr Bisson: Very good. That's all I needed to know.

The Chair: Great. Thank you very much.

Mr Bisson: Hello, Chair.

Mrs Heyninck, thank you very much for your presentation. You're welcome to stay for a few moments. We are now proceeding to the concurrence stage of our discussion.

So much paper here. Let's see what I can do. We will proceed to our concurrence section. We will now consider the intended appointment of Lily Harmer, the intended appointee as member, Financial Services Tribunal.

Mr Parsons: I would move concurrence.

The Chair: Mr Parsons moves concurrence. Any discussion?

Mr Tascona: I'll second that.

The Chair: Thank you, Mr Tascona. We're setting a new tradition. Any further discussion of Ms Harmer's appointment? Seeing none, all those in favour of the intended appointment? All those opposed? The motion is carried. Congratulations to Ms Harmer.

We will now consider the intended appointment of Roland L. Montpellier, intended appointee as member, Cancer Care Ontario.

Mr Parsons: I move concurrence.

The Chair: Mr Parsons moves concurrence.

Mr Tascona: I'll second that.

The Chair: Any discussion about M. Montpellier and Cancer Care Ontario? Seeing no discussion, all those in favour of the intended appointee, please raise your hands. Any opposed? The motion is carried.

We'll now consider the intended appointment of E.P. Emanuela (Mandy) Heyninck, intended appointee as head of the office, Pay Equity Office.

Mr Parsons: I move concurrence.

The Chair: Mr Parsons moves concurrence. Any discussion?

Mr Tascona: I second that.

The Chair: Any further discussion? Seeing none, all those in favour of the motion? Any opposed? The motion is carried. Mrs Heyninck, congratulations.

Very good, folks. We have concluded that aspect of our committee. We'll now move on to other business.

1110

COMMITTEE BUSINESS

The Chair: Members who have other business?

Mr Tascona: The committee has been distributed a memorandum from our clerk of the committee, Susan Sourial, dated November 22, 2004. There are two motions before the committee. I just want to make sure everybody has a copy of those.

The Chair: Does everybody have a copy of Mr Tascona's intended motions? Anybody in need? Thank you.

Mr Tascona: Our committee's mandate is set out under standing order 106(e). I would just briefly read it.

Part of the mandate of the standing committee on government agencies is "to review the intended appointments of persons to agencies, boards and commissions and of directors to corporations in which the crown in right of Ontario is a majority shareholder (excluding reappointments and appointments for a term of one year or less)...." and the procedures are set out. That's our mandate with respect to reviewing appointees.

Interestingly enough, those are generally the appointments of the Premier that we are reviewing, new appointments, not interim appointments, of less than a year or reappointments made by the Premier through order in council. Thanks to the clerk who provided a memo about all the other agencies.

There are over 500 agencies, boards and commissions, and approximately 33% of those appointments are through ministerial letters. So it seems very peculiar that we are here reviewing the Premier's appointments through orders in council but we don't review ministerial appointments, which take up 33% of the agencies, boards and commissions. I think that's something that needs to be addressed.

I'd also want to point out that during the provincial election, Premier McGuinty made a promise—I think this was promise number 163—where he states, "We will lift the veil of secrecy on government agencies and appointments." Certainly, I'm in favour of doing that. I'm also in favour, as is our leader, John Tory, of giving more independence and power to legislative committees. On that basis, I have two motions I want the committee to consider. The first motion, and I would move it on the floor, reads as follows:

That the committee write a letter to the House leaders making the following recommendations:

That the committee be given an order of reference authorizing it to review its mandate, as set out in standing order 106(e), to ensure transparency in the government appointment process and qualified appointees, as the review process is currently limited to order-in-council appointments for more than a year as approved by cabinet;

And that the review should have the objective of amending the standing orders to permit the review of order-in-council (OIC) reappointments and appointments for less than a year and non-OIC appointments, namely those made by ministerial letters which in terms of agencies constitute 33% of all government agencies and are currently not reviewed by the standing committee on government agencies.

I would just request from the Chair whether he wants me to deal with both motions.

The Chair: For the sake of clear debate, Mr Tascona, why don't we stick with one motion at a time?

Mr Tascona: OK. I just want to indicate I had the assistance of our clerk in putting this forth. I think it's proper and in order.

I just want to put to the members before we get into debate, if there is any, that I think it's very important that we lift the veil of secrecy on government agencies and appointments, that this committee have more independence and power with respect to its mandate. I think that's very important. As we have been proceeding here for over a year, it's come to my attention that some reform is necessary.

I would just put those as my comments at this point in the debate. I've moved the motion.

The Chair: Very good. The motion from Mr Tascona is now on the floor. I don't think I need to repeat the motion. He read it and everybody has a copy of that motion. Is there any further debate on Mr Tascona's motion?

Mr Parsons: If I can make a couple brief comments. This issue has been raised before and I just wonder

whether we would be dealing with it if it were not for the fact that this committee is televised. I'm rather surprised, so I'd like to give a bit of a historical lesson.

Mr Bisson: Oh, come on, Ernie, for God's sake.

The Chair: Mr Parsons has the floor.

Mr Parsons: I'd like to give a bit of a review and a history lesson on this. The NDP established the standing orders governing this committee, I believe, in 1990, and on September 10, 1997, they were revised. They were revised, as Mr Tascona has said, to include the statement, "excluding reappointments and appointments for a term of one year or less." So it was Mr Tascona's government that clearly supported this at the time it went forward to the House. I find that date significant because I believe Mr Tascona was a permanent member of the committee at that time. I am unable to locate any indication that there was a concern raised, either at committee or in the House, of dissatisfaction regarding that process that was put forward with his House leader's approval—not just approval but probably leadership on it.

There is concern that this government may have used this process to bring forward appointments that are less than a year, intentionally to avoid it. I'm intrigued that in February 2002 his government made 267 appointments in one day that were less than one year and not subject to committee review. I'd be pleased to read them into the record if there is any question about it, but clearly the previous government utilized it a great deal.

I contrast that with the number of appointments our government has made in slightly over the year we've been here. Again, we've got community and social services and municipal affairs—13-month appointments. Our government has chosen to make 13-month appointments rather than 12, which has made the individuals being considered for appointment subject to review by this committee. I'm very pleased that that route has been to make it more open and transparent.

There has been concern—I'm wondering if perhaps I should deal with that in the second motion, about announcing in advance. I know the honourable member has indicated concern in the past that our government made an announcement that someone was appointed when in fact they were not appointed at that stage and could not be appointed. I looked back and reviewed—there was a news release. By the way, we did that once and we acknowledged that. I have apologized more than once. We very much regret the slip.

Mr Tascona: We're not dealing with that right now, Ernie.

Mr Parsons: We'll deal with that at that time, then.

Mr Lorenzo Berardinetti (Scarborough Southwest): He's just apologizing again, that's all.

Mr Parsons: Yes. I want another apology on record because it seems we can't do that enough.

I'm going to rest my case at this point, before we move on to the second motion. But it is certainly not my sense that this process has been abused.

Interjection.

Mr Parsons: There's only one light on, I think, at the moment.

I don't believe our government has abused it, but I would strongly maintain that it is not the right of this committee to review its mandate. That is the role of the House leaders. It was the House leaders who devised it originally. I cannot emphasize enough that the process we're following was put in place by the previous government, with Mr Tascona, who was a member at that time, making no objection. That does cause me to wonder why the sudden change of mind. I'm sure there's a reason with the honourable member. But the process very clearly worked over the last years and we are quite comfortable with it.

Mr Bisson: First of all, to Mr Parsons' point, he's wondering why there has been a sudden change of mind on the part of the Conservatives. Liberals should not throw stones from that direction, because you certainly have changed your mind a number of times, from opposition to government. Anyway, that's for another debate.

I find interesting the proposal by Mr Tascona. I understand where he's coming from. I just want to put the following on the record from our caucus.

One, we recognize that every government is going to appoint people of it's own political stripe. I haven't got a problem with that. I understand that if Liberals are government, or New Democrats or Tories, we are certainly going to appoint some of our own to particular boards and commissions, because boards and commissions, by and large, are where much of the government's work is then carried out as far as policies made by the government. The government needs to know that at the end of the day it has competent people who have the same ideological bent as they, to be able to move forward on decisions that are made by the policymakers, who are the politicians.

1120

So I don't think that's an issue. I don't argue, and I don't think anybody here argues, that we should never, if you're a Liberal government, appoint Liberals or, if you're a New Democrat government, appoint NDPers. The issue is that we need to make sure we appoint competent people to those particular commissions.

What Mr Tascona raises is an important issue. We have the right in this committee, if we so choose, to review not so much our mandate, but how we do things. Certainly, if there is a better way that can be found for this committee to be able to review current appointments and have a more meaningful role for this committee about which appointments go forward and which don't and making sure that the best possible people move forward, I can't see why anybody would be opposed to that.

I would suggest that somebody may want to make an amendment to this particular motion. At this point, I don't have a vote on the committee; I'm only subbing in and I can't move a motion. But I would suggest that one of the things that could be done is that the motion could be amended slightly by deleting everything in the second paragraph after the words "government appointment process." Just delete everything after that, because then

the motion would call for the committee to be given an order of reference authorizing it to review its mandate as set out in standing order 106(e). In other words, you can look at everything that's contained within 106(e) as a committee and say, "Is there a better way of doing things; how we notify members, for example, of an intended appointee? Do the timelines work for people?"

For example, one of the issues we had—and the clerk will know this—at the beginning of this government's mandate, as I came back to this committee after being off it for a fairly long period of time—and thank God I'm the whip; I got somebody else appointed. But one of the issues was that notification could only be given by fax. Remember? We had this discussion way back last fall, that notification of all of the people who are to be on committee—originally we didn't have the technology for some reason to send who was being put forward for appointment so that we, as caucuses, could look and decide. It wasn't in e-mail format at the time, and it was very problematic for those of us who operate on BlackBerries and are basically everywhere except our offices at every moment.

So certainly, we'd have an opportunity to take a look at some of the mechanisms of how this committee works. I think that would not be unreasonable, and I would suggest that Mr Tascona may want to amend his motion to deal with that so we can actually look at how to make this committee work better.

Ms Scott: I can't speak to the history of how these appointments have gone on before, but I think the important point that my colleague is trying to make is that when the Liberals were campaigning, they made a promise. As he said, number 163 was, "We will lift the veil of secrecy on government agencies and appointments." We're just saying it's time to live up to the promises, and maybe the House leaders can look at doing something different.

I do want to bring to your attention that there have been six interim board chair appointees that we know of—just the six. That's a problem. When they're interim, we just find out about these appointments by chance, a lot of times in the press, so nobody is obligated to inform us. There's no opportunity to review the appointees, so we don't know what vacancies are being filled or who's filling them.

That's just one of the loopholes we need to close, because that allows the government to avoid review of the appointees by appointing them for short terms, and then later they can reappoint them for the longer term and they still don't have a chance to be reviewed by the committee. I just wanted to put that on the record and make that point.

Mr Parsons: Do I get to speak a second time, now that I'm over my shyness?

The Chair: Mr Parsons.

Mr Parsons: Unfortunately, Mr Bisson has gone but, yes, there was concern from all parties over the fact that the names were available only by fax. It made it very difficult to distribute. My understanding is that they are now available in electronic form, which, I certainly concur with Mr Bisson, makes it a much more visible and open process to be distributed to all of the members. Yes, I'm pleased that we fulfilled that promise to make it more open.

There was concern expressed about individuals being appointed as interim chairs. Yes, indeed, this government did it. I would note that the ones I'm looking at were public servants, which, by agreement of all the parties, were never called before this committee.

But if I go back into history again and look at the previous government, I see Mr Doucet was appointed for one year to a significant position and was not available to this committee at that time to interview, and Mr Tilson—and I find that particularly interesting because a statement was made, as I recall, in the Legislature that Mr Tilson would certainly not be leaving his seat to be appointed to a committee or commission of any sort, and then we see the appointment taking place for one year as a full-time member and vice chair of the Ontario Municipal Board. So there was a very high-profile individual, and the previous government chose not to give this committee an opportunity.

Very clearly, the government felt there were certain decisions—I guess if we are talking about openness on the part of our government, it is not very difficult to be more open than the previous government was, and I believe we have been considerably more open. I would suggest the process was abused at that time, when that particular position was filled on a one-year basis without an open, public review of it.

Mr Tascona: Just to deal with those interim board chair appointees and to get the facts straight here, they weren't civil servants. We have Lincoln Alexander, who was appointed interim board chair of the Ontario Heritage Foundation; Jake Epp, interim board chair of Ontario Power Generation Inc board of directors; Jill Hutcheon, Workplace Safety and Insurance Board interim board chair; Tim Reid, interim board chair of the Ontario Lottery and Gaming Corp; Marie Hubbard, interim board chair of the Ontario Municipal Board Assessment Review Board; and David Hope, interim board chair appointee of the Ontario Farm Products Marketing Commission.

I would also add here, if you read the motion, Mr Parsons—and I'll read it for you again. You made the point that it's not the right of the committee but of the House leaders to decide. The motion says that, and I carefully did this with our clerk in terms of our mandate. It is totally in order. It says, "That the committee write a letter to the House leaders making the following recommendations." We are making a recommendation to the House leaders.

Your promise that was given during the campaign was, "We will lift the veil of secrecy on government agencies and appointments." This is a way to do it. In fact, it's the only way to do it because of the standing orders that stand there right now, that all we can review are Premier's appointments for greater than one year.

Any appointments made by the Premier of less than a year or a reappointment are not subject to our review under the standing orders. That means that ministerial letter appointments, which make up 33% of government agencies, for some strange quirk are not reviewed, and you can make whatever statements you wish with respect to that. You made a promise. This committee, if they vote down this motion today, is basically breaking a promise out of your Liberal campaign platform that you would "lift the veil of secrecy on government agencies and appointments." You're breaking another promise if you vote down this motion, because it's in order, it's appropriate and it's about time something should be done.

The Chair: Any further debate? Seeing no further debate, there is a motion on the floor. Do you need to me to reread the motion? No? Then we'll see if the motion shall pass.

Mr Tascona: Recorded vote.

Ayes

Scott, Tascona.

Nays

Berardinetti, Dhillon, Fonseca, Parsons, Smith.

The Chair: The motion does not pass.

Any further business?

Mr Tascona: I have another motion.

The Chair: Put the motion.

Mr Tascona: This is dealing again with the promise of lifting the veil of secrecy on government agencies and appointments, but it also deals much more fundamentally with independence and power to the legislative committees.

If you have the Premier making public announcements about appointees who haven't been put forth before the committee and haven't even been reviewed by the committee, how can the Liberal majority, which is a Liberal majority here on this committee, make an independent decision? They can't. Mr Parsons over there is their lead person and he's basically telling everybody how to vote. He's been told how to vote by the whip and probably up through the House leader. That's the way the system works. It's not right.

The bottom line is, we need some independence here, especially when we're dealing with appointments that are very critical. We want to have an independent process. We don't need the government members to be whipped by public announcements before we even get in here. We also have a right to review these people. We don't need the Premier to be making announcements with respect to appointments.

It's happened on more than one occasion. I know Ms Scott is very aware of this and we've worked on this. We're just shocked by the number of appointments that have been made, and we find out about them—I can recall the Ontario Securities Commission as one example of the people who were coming down when we first started the mandate of this committee, and we didn't even know about that. That was before we even got our review papers.

1130

I've been making comments about this from day one, that this practice has got to stop. I know Mr Parsons said that he's had some lip service, and that's great, but the bottom line is, we want some action on this. It's not right for the independence of the operation of this committee to be told before, "Well, we're going to be appointing this person," and when you have the majority on the committee, basically we know what the end result is before we even get in here.

You did make the promise about lifting the veil of secrecy on government agencies and appointments, and it's also important about independence. That's one of the platforms of our leader, John Tory: giving more independence to the committees and a way to operate.

My motion is this, and I'm going to put it on the floor:

That the committee write a letter to the Premier making the following recommendation:

That government communication policies be revised to ensure that henceforth no intended appointments will be announced in advance of the review of such appointments by the standing committee on government agencies."

I went over the language of this with the clerk to make sure that it was in order, and I'll just repeat it:

That the committee write a letter to the Premier making the following recommendation:

That government communication policies be revised to ensure that henceforth no intended appointments will be announced in advance of the review of such appointments by the standing committee on government agencies."

Thank you, Mr Chair.

The Chair: Mr Tascona has put a motion on the floor. Is there any debate on Mr Tascona's motion?

Mr Parsons: Sure. I would first of all like to go on record apologizing on behalf of our government for accidentally at one time making the inference that an individual had been appointed when in fact they had not. I believe that's the only apology that's on record anywhere of a government having done that.

I look back to July 3, 1996, where I read a news release from the Ontario government at that time which said, "Minister of Labour Elizabeth Witmer announced today that cabinet has approved the appointment of Glen Wright, chairman and chief executive officer of insurance consulting firm.... " I would suggest that was wrong. It is followed by, "Cabinet approved the appointment of the following new board members:..." Patrick Dillon, Eileen Mercier and Jim Stewart. I am not aware of an apology for that.

I read a news release of November 18, 1999: "Dianne Cunningham, Minister of Training, Colleges and Universities, today announced that Isabel Bassett has been

appointed chair of the Ontario Educational Communications Authority." I believe that would be incorrect, that the committee should have reviewed it. They cannot make the appointment.

I look again to February 10, 2000: "Board of Super-Build Corp Announced....

"Finance Minister Ernie Eves today announced the provisional appointment of a 12-member board of directors," and, in fact, all of these names were made public at that time.

If the concern is the names going public before, I would even proceed to a day back on August 24, 2004, when this committee was reviewing the appointment of René Fontaine and a news release went out over the name of Mr Tascona and Ms Scott, which refers to Mr Fontaine's appointment. That states that it was released to the media and distributed. There had not been a vote, so in fact Mr Fontaine had not been appointed at that time. We have—

Mr Tascona: It was right after.

Mr Parsons: It was distributed prior to the concurrence vote.

I want to make it quite clear that neither the House leader nor the party whip has at any time spoken to me—not at any time—as to how I vote. When we are presented with individuals who are well-qualified, it is our responsibility to support them.

I balance the concern about not making them public with the comments in the previous motion about making names available. I would suggest that not all wisdom resides within any of the three government caucuses, and that making public the names under consideration provides an opportunity for members of the public, for citizens of all of this province, to meet with their individual member or to phone or e-mail or whatever to give advice. I strongly support, on behalf of our party, making the names available because it does indeed lift the veil of secrecy that has taken place. There was certainly no lifting of the veil when the 267 people were simply appointed to the boards, and so I would strongly suggest—not suggest; I will state that we have made the names much more public and in fact fulfilled the promise of our Premier that we would do that.

I would also note that the fact that we moved to 13-month appointments rather than 12-month appointments again makes it a much more public process. Any member of the public is able to come here, any member of the public is free to turn on the TV and witness this committee and hear the debate, while the previous government vastly—I would even say—overused the process for appointing for 12 months or less, concealed the appointments from the public until they were a done deal. I believe and know we have kept our promise. Thank you, Chair.

The Chair: Any further debate?

Mr Tascona: Yes. I think you better reread the promise, because the promise was, "We will lift the veil of secrecy on government agencies and appointments." What's happening here this morning is that the Liberal majority on this committee has voted down a motion with respect to allowing us to review 33% of the appointments that are made by ministerial letter. Also, we're not going to be allowed to review interim appointments and re-appointments made by the Premier. That's not lifting the veil of secrecy when we're not going to be privy to all these appointments.

What we also asked in terms of independence on this committee was to have the Premier stop issuing press releases of intended appointees before we even get a chance to review them. From what I'm anticipating here in terms of what independence we have in this committee, obviously the Liberal majority on this committee is going to break another promise, because, quite frankly, this is a very modest request in terms of allowing this committee to function properly, especially when you have a Liberal majority on it, as to how these things are going to happen, because I certainly haven't voted down one of their intended appointees yet, let alone call any. I think they may have called two.

Mr Chairman, I think it's very clear here today that what we tried to accomplish within the rules was to expand the mandate of this committee to make it relevant, to make it independent, and I await the vote on the second motion.

The Chair: Thank you, Mr Tascona. Any further debate?

Mr Parsons: I want to make it clear that we believe there is a process for all of this to happen, and that is through the House leaders. If the House leaders feel that a review should be undertaken, we certainly have no objection to that. I would suggest the process is, and has been, in place for quite some years now, that any member of a caucus is free to approach their House leader to request that a review be undertaken of any standing order. I don't know whether Mr Tascona has spoken to his House leader or not, but I believe that this issue has not been discussed at the House leaders meeting that I'm aware of. I'm not saying it hasn't, but I'm not aware of it. But the process is there. The process is for any individual member to approach their House leader. I cannot overemphasize that if the House leaders make a decision to review this and change it, we have no objection whatsoever.

The Chair: Thank you, Mr Parsons. Further debate?

Mr Tascona: [*Inaudible*] Mr Parsons is arguing the wrong motion. The fact of the matter is that's what the request was, to go to the House leaders with a recommendation. Quite frankly, that was voted down by the Liberal majority. This committee, to be relevant and functioning—today, it has been made irrelevant and non-functioning and non-independent by the Liberal majority. That's all I have to say. I'd call the vote.

The Chair: Further debate?

Mr Tascona has a motion on the floor. Does the motion carry? All those in favour—

Mr Tascona: Recorded vote.

The Chair: Recorded vote.

Ayes

Scott, Tascona.

Nays

Berardinetti, Dhillon, Fonseca, Parsons, Smith.

The Chair: The motion does not pass.

Is there any further other business from committee members?

Mr Tascona: I just want to know when we're meeting again.

The Chair: Two weeks from today will be the next meeting, whatever date that is. December something. That's why I have a clerk. Two weeks from today, December 7?

Mr Berardinetti: December 8.

The Chair: There we go. We will confirm, but as per our usual schedule, Wednesday is not next Wednesday but the Wednesday thereafter. Any further business?

Mr Parsons: I would like to encourage Mr Tascona to write a letter to his House leader and see if the item is brought forward at their next meeting.

The Chair: I don't know if we want to reopen the debate on this.

Thank you very much, folks. We will see you in two weeks' time. This meeting is now adjourned.

The committee adjourned at 1140.

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

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Vice-Chair / Vice-Présidente
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Mr Lorenzo Berardinetti (Scarborough Southwest / Scarborough-Sud-Ouest L)
Mr Michael Gravelle (Thunder Bay-Superior North / Thunder Bay–Superior-Nord L)
Ms Andrea Horwath (Hamilton East / Hamilton-Est ND)
Mr Tim Hudak (Erie-Lincoln PC)
Mr David Orazietti (Sault Ste Marie L)
Mr Ernie Parsons (Prince Edward-Hastings L)
Ms Laurie Scott (Haliburton-Victoria-Brock PC)
Ms Monique M. Smith (Nipissing L)
Mr Joseph N. Tascona (Barrie-Simcoe-Bradford PC)

Substitutions / Membres remplaçants
Mr Vic Dhillon (Brampton West-Mississauga / Brampton-Ouest–Mississauga L)
Mr Peter Fonseca (Mississauga East / Mississauga-Est L)

Also taking part / Autres participants et participantes
Mr Gilles Bisson (Timmins-James Bay / Timmins-Baie James ND)
Mr Peter Kormos (Niagara Centre / Niagara-Centre ND)

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Mercredi 8 décembre 2004

Standing committee on government agencies

Intended appointments

Comité permanent des organismes gouvernementaux

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 8 December 2004

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 8 décembre 2004

The committee met at 1008 in room 151.

SUBCOMMITTEE REPORTS

The Chair (Mr Tim Hudak): Welcome to the standing committee on government agencies, and I welcome our nominated appointees.

I'm going to begin with some reports. We have first to consider the report of the subcommittee on committee business dated Thursday, November 25, 2004.

Mr Lorenzo Berardinetti (Scarborough Southwest): I move adoption.

The Chair: Thank you, sir. Any comments on the subcommittee's report of November 25? Seeing no comments, all in favour of its adoption? Any opposed? It is carried.

Our next order of business is the report of the subcommittee on committee business dated Thursday, December 2, 2004.

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): I would move that one, Mr Chair.

The Chair: Any comments, discussions or questions on the report's contents? Seeing none, all in favour? Any opposed? It's carried.

COMMITTEE BUSINESS

The Chair: The next topic is extension of Public Appointments Secretariat certificate deadlines. Pursuant to standing order 106(e)11, unanimous consent is required by the committee to extend the 30-day deadline for consideration of the following intended appointee: Anne M. Holbrook. Anne is the intended appointee to the Drug Quality and Therapeutics Committee, the infamous DQTC. Any comments or discussion on this? Do we have unanimous consent to extend this deadline to January 18, 2005?

Ms Monique M. Smith (Nipissing): We're voting, aren't we?

The Chair: I believe I need unanimous consent, so if one member says no, it's no.

Mr Tascona: Do we not sign off on it?

The Clerk of the Committee (Ms Susan Sourial): If we don't have a meeting, it would be done through the mail, but because we have a meeting and the deadline is coming up—

Mr Tascona: We have no problem with that.

The Chair: Ms Horwath? Do any members of the government have any problems? So we have unanimous consent for the extension? Great. Thank you very much, folks. We will give out the proper notifications of such. That's the only one I have. There will be others through the regular process next week.

Any other business before I move on to Mr Connell?

Mr Tascona: When are we meeting again?

The Chair: It should be next Wednesday, same time, same place.

Mr Tascona: So we're going to be meeting on December 15.

The Chair: For Wednesday, December 15, I understand we only have one intended appointee who has been called for that meeting, so the plan is to start at 10:30 as opposed to 10. Thank you to the clerk.

Mr Tascona: Who has been called, Mr Chair?

Ms Smith: Hamlin Grange has been called, and it's their call.

Mr Tascona: Who's the Chair of the meeting? Chairman, is it Hamlin Grange?

The Chair: Are you questioning the Chair?

Mr Tascona: No. Monique is definitely right. Is that correct, Mr Chairman?

The Chair: I apologize. I believe that information is correct, that he is the only intended appointee for next week.

Interjection.

The Chair: No, I was just making up excuses. You caught me. I won't lie on Hansard. But I do appreciate the card for my birthday last month.

Any other business, folks? No. Very good. Let's move on to the selected intended appointees.

INTENDED APPOINTMENTS

WALTER CONNELL

Review of intended appointment, selected by official opposition party: Walter Connell, intended appointee as member, Council of the College of Denturists of Ontario.

The Chair: Our first appointee is Mr Walter Connell. Mr Connell is an intended appointee as a member of the Council of the College of Denturists of Ontario. Mr Connell, welcome to the committee. Make yourself comfortable. I ask you, if you so please, to make a statement about yourself, your interest in the committee, and then we'll do a rotation of questions from any of the com-

mittee members, beginning with the third party, the New Democratic Party, and we'll split the time into 10 minutes per party. Mr Connell, the floor is yours.

Mr Walter Connell: Thank you, distinguished Chair and members of this committee. Good morning. Thank you very much for allowing me to attend this hearing. I put my name forward to become a member of the College of Denturists. I'd just like to remind you too that Toronto is my hometown and, strange as it may seem, this province, Ontario, is my home province. That's the way geography works.

I've lived and worked all across Canada, working much of my life in radio and television, in news in particular, and I consider myself a coast-to-coast Canadian.

As a matter of fact, I've worked for 10 years here at the Ontario Legislature as a propagandist. The official title was something like information officer or media liaison. I should add too—I just remembered; I saw the names on the board out there—that Peter Gow, the first provincial secretary, is one of my ancestors, from the Guelph area; and Ray Connell, the minister, who used to call himself the janitor to the province, was the Minister of Municipal Affairs—municipal waste, I guess.

My introduction to Queen's Park, though, was through Allan K. McLean, the one-time Speaker of the House, at that time member for Simcoe East. Al gave me full credit for my work ethic despite the fact that I had run as a federal Liberal—that was in the ill-fated election of 1979—in Simcoe North.

I served two terms as a school trustee for the Simcoe County Public School Board, and I was selected by my peers to sit for the Ontario Public School Boards' Association as a trustee. As a trustee I was appointed political liaison, much to the chagrin of one cohort of mine from Orillia; she thought she was entitled to it. I was also given an award by the Elementary Teachers' Federation of Ontario for my work on education issues. Don't get too specific on that, Joe; I'm a little foggy on it myself, but it's legit. This is an award usually reserved for board superintendents, and it was one of the proudest moments of my life to get that.

Now, you may ask what wonderful things I am doing for myself at this stage in my life. Well, I'm a card-carrying member of ACTRA. I've done three movies and a fair number of radio and television commercials, national, American and European. For your entertainment, I tap-danced through an IKEA commercial for Germany and I'd never had a lesson in my life. It took me four hours of tap-dancing to get about four seconds on the air. I mention that to illustrate that I am the type of person who, when appointed to a task, will get the job done.

I support good government and relish the idea of being a small part of it. I thank you for your audience and your rapt attention.

The Chair: Thank you very much for your very interesting and entertaining presentation. We'll begin any questions or repartee with Ms Horwath from the third party.

Ms Andrea Horwath (Hamilton East): Good morning, and welcome. I want to ask you, first of all, if you can just give us some brief outline of your knowledge of the profession of denturism.

Mr Connell: Well, I know what a denturist does. They fit artificial teeth—false teeth, if you will—usually on the prescription of a dentist; I realize that. I don't know in detail what denturists do, what they're up to. But I hope to learn that; I'm a fairly quick study.

Ms Horwath: What particularly motivated you to apply for this position with this college?

Mr Connell: As I mentioned, I like the idea of being part of good government, even a small part, and that's what it would be. It's nice to be involved with perhaps some legislation that will have some teeth in it—I couldn't resist that.

But I do know what it's all about. I enjoy it. I enjoy politics in particular, as Joe well knows.

Ms Horwath: More to my point, there are many different colleges, for example, in the health professions that you might have been interested in applying for, but I believe that in the letter you provided you did specifically indicate your interest in this one. Is there a reason? Was this one suggested to you by someone?

Mr Connell: Yes.

Ms Horwath: May I ask who suggested this one to you?

Mr Connell: Somebody in the minister's office: Gerry Hawes, I believe. I don't know whether he mentioned it first to me, but I thought, "Well, I can get in there and"—as I say, point me to the job and I'll get it done.

Ms Horwath: Is it fair to say, then, that you were more or less recruited for the position?

Mr Connell: Yes, I guess you could say that.

Ms Horwath: You mentioned briefly that you knew a little bit about denturism and talked about your understanding that the work needs to be approved by a dentist. In fact, there were some issues in that regard not too long ago, where the denturists and dental hygienists made a submission to the Ministry of Health and Long-Term Care. They wanted to have the ability to undertake radiograms and do that work without being supervised by a dentist. Do you have any opinion on that matter?

Mr Connell: At this stage, I wouldn't have a qualified opinion, but I'd liken it to the days when they used to X-ray your feet for shoes and every kid was going and looking at the bones in their feet through their shoes. You wouldn't remember that; that was popular perhaps in Joe's time.

I'm not sure what they do. I don't really have enough knowledge of it, whether they are qualified to do X-rays. I think most hygienists do X-rays, whether it's on the dentist's orders or they just look and tell you that you need an X-ray.

Ms Horwath: OK. Are you aware that the committee actually does a lot of its work through subcommittees, and if so, do you have any interest in any of the particular subcommittees that operate under the college?

Mr Connell: No interest in particular, but I'm willing to look at whatever they have available.

Ms Horwath: Could you name for me any of the committees that exist?

Mr Connell: Under the denturists? No, as a matter of fact, I can't.

Ms Horwath: Thank you, Mr Chairman. Those are all my questions.

The Chair: To the government: Mr Berardinetti?

Mr Berardinetti: No questions; just to thank you for coming forward today. I noticed on your resumé that you were the first reporter to officially identify John Lennon as a murder victim in New York City, I guess in 1980, on this date.

Mr Connell: I didn't realize that. On this very date?

Mr Berardinetti: December 8, yes.

Mr Connell: That was a miracle. I picked up the telephone—I was working at CKO—and I called the right precinct, and the sergeant, who was willing to talk to a Canadian, was willing to talk. I was flabbergasted. We had it running for 20 minutes before broadcast news officially declared him dead. And I'm not even a Beatles fan.

The Chair: Well, you were doing well, Mr Connell, until you went after the Beatles all of a sudden.

Mr Connell: Why not?

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The Chair: Any other questions from the government members? Then to the official opposition.

Mr Tascona: Thank you, Walter, for being here. Certainly you haven't lost any of your touch from your television days.

I just want to ask you about the position. Were you approached by anybody about this position, or did you directly want this position?

Mr Connell: No, I put out my resumé, I put out my feelers. I was looking for something to do; my television show had vanished, so I was looking for something to do, something to keep busy at, something I could take an interest in.

Mr Tascona: Who did you speak to in the government about this position?

Mr Connell: I spoke first with Gerry Hawes, and then perhaps—

Mr Tascona: Who's that?

Mr Connell: Gerry Hawes works in the minister's office.

Mr Tascona: The Minister of Health?

Mr Connell: Yes.

Mr Tascona: Who's Gerry Hawes?

Mr Connell: He's an Orillia man. I worked with him before on Mariposa Folk Festival, and I knew he was connected with the Ministry of Health.

Mr Tascona: Did he used to work for Paul DeVilliers, the Liberal MP up there?

Mr Connell: I believe so. I don't have Gerry's resumé in front of me, but I believe he did.

Mr Tascona: And you approached him, or did he approach you?

Mr Connell: I approached him initially.

Mr Tascona: And did you specify your interest in "anything," or was it this?

Mr Connell: You were right the first time: anything. I was just looking to see what was available and what I could perhaps make a contribution to.

Mr Tascona: And you're pleased with this position?

Mr Connell: Yes.

Mr Tascona: Looking at your resumé, it says that from 1985 to 1995 you were an information officer at the Legislative Assembly at Queen's Park, and you make a reference to Al McLean, who I think was the member for Simcoe North from 1981 until 2000, or perhaps 1999. Did you work for Al McLean?

Mr Connell: Yes. I worked for the Legislative Assembly, attached to Al. He didn't think I had enough to do, so I took on the duties of looking after Earl Rowe, who was the predecessor in your riding.

Mr Tascona: Simcoe Centre.

Mr Connell: Yes, but Al was in Simcoe East at that time; I think I put Simcoe East in my commentary. That's where he was at that time.

Mr Tascona: OK. In that period of time—Earl Rowe was no longer the member as of 1987. Who did you work for after 1987?

Mr Connell: I worked for the whole PC caucus.

Mr Tascona: OK, PCRS. And you worked for them until 1995?

Mr Connell: Yes.

Mr Tascona: So that's where you came up with some of the statements you mention in the 1985 to 1995 period, which I thought were very clever.

Mr Connell: What was that?

Mr Tascona: Well, you have one here that says, "One example: Since this government came to power all roads in Ontario are going downhill." Was that the Liberal government or the NDP government you were referring to?

Mr Connell: Golly, I can't be sure at this time.

Mr Tascona: I won't hold you to it.

Mr Connell: I feel like Wayne Gretzky, though: No matter whether I'm playing for the Los Angeles Kings, I take my best shot and score as many goals as I can. That's the way I operate. Al realized that too, and he did take quite a bit of heat for hiring me.

Mr Tascona: I understand that, in terms of working down here.

This position: What have you been told about it, in terms of what you're going to be required to do?

Mr Connell: It meets one or two days a month. There's so much happening in health care right now that it's going to be—I don't know whether this particular job is going to be that involved, but there is so much happening in X-rays, as Andrea mentioned earlier. The X-ray part of it will come up again, whether they should be allowed to do that, and that needs a good look. I guess it's one of those things where you can use your talent or ideas to think outside the box, to quote a federal Liberal Prime Minister.

Mr Tascona: Which one was that?

Mr Connell: The current one, Paul Martin.

Mr Tascona: Oh, sorry. The denturists act deals with denturists and dental hygienists, from what I understand. Last week we dealt with Bill 116. It was a private member's bill put forth by Jim Flaherty, the member for Whitby-Ajax, with respect to expanding the role a dental hygienist can play in terms of providing their services. Are you familiar with that at all?

Mr Connell: No, I'm not familiar with Mr Flaherty's bill.

Mr Tascona: You may want to become familiar with that, because it certainly appears to be becoming an issue, alongside what's happening here in terms of radiographs and the role dental hygienists would play in terms of their field of expertise.

Is there anything you specifically think you want to accomplish while you serve on this council?

Mr Connell: I don't have enough detail about what I'm going for. It's like if you're hunting you want to get a bull moose, I guess. I don't know; I'm not a hunter. If you want to fish, you fish for a shark.

Mr Tascona: You live in Coldwater, right?

Mr Connell: Yes.

Mr Tascona: Any issues up in Simcoe North concerning this particular area that you're aware of?

Mr Connell: No, but I probably have one of the best dentists in Ontario, and I will openly consult with her to see what the denturists need and get her point of view.

Mr Tascona: I have no further questions. It's good to see you, Walter. Certainly you would be able to contribute to the betterment of this province.

Mr Connell: Thanks, Joe. I appreciate that.

The Chair: Mr Connell, if you do pass concurrence, we look forward to some lively press releases from the denturists. They've been a little dull lately, their press releases.

Mr Connell: I major in press releases, as your wife would know.

The Chair: You've been doing your research. There you go, sir.

Mr Connell, you probably know the procedure: We go through all the intended appointees first and then we move to concurrence shortly thereafter. So probably in about an hour or so I'll be doing the vote on the committee's decisions.

Thank you for your time, sir: an excellent presentation. We look forward to that IKEA commercial, if we have to watch German TV or what have you.

Mr Connell: That was a scream.

SUE WILSON

Review of intended appointment, selected by official opposition party: Sue Wilson, intended appointee as chair, Trillium Gift of Life Network board of directors.

The Chair: The next intended appointee is Sue Wilson. Ms Wilson, welcome to the committee. Ms Wilson is the intended appointee as chair of the Trillium Gift of Life Network board of directors and is currently serving as the interim president and CEO of same. If you don't mind, even for the Chair's benefit, one thing I missed is whether you're maintaining all those positions or simply as chair. You're welcome to make a presentation, as you see fit, about your skills and your plans for the time ahead. We'll begin any questions with the government members. Ms Wilson, the floor is yours.

Ms Sue Wilson: Thank you very much. Good morning and thank you to the members of the committee for giving me the opportunity to meet with you today to discuss my proposed reappointment to the board of the Trillium Gift of Life Network and the appointment as chair of this board.

This morning, as we meet in this room, there are 1,870 Ontarians on the waiting list for transplantation. Some 1,300 of these individuals are waiting for a kidney transplant, and our experience shows that 100 of these individuals on the waiting list will die before an organ becomes available.

But organ donation and transplantation is more than numbers; it's about our families, our sons, our daughters, our grandchildren, our parents, our brothers, our sisters. It's about our neighbours, people in our community and people in Ontario. It's about the family who receives that dreaded phone call in the middle of the night to come to the hospital: a loved one has had a catastrophic event and will not live. The family, in their grief, donates organs to give renewed life or enhanced life to another human being—truly a gift of life. And the story goes on to the family that's full of joy today because a family member has been given renewed life through the gift of one of those organs.

You have before you, I understand, a copy of my resumé. While I have never had to walk the journey of the families I describe, I have had the privilege as a nurse of accompanying families through this journey in clinical practice. As a beginning nurse, one of my very first patients was a blond, blue-eyed four-year-old boy who died because in those days liver transplants did not exist. I have, through my management experience, had the opportunity to develop an organ donation program in a hospital setting, establishing protocols and setting up systems and programs to promote organ donation, educate staff and facilitate the recovery of organs and tissues.

As a board member, I was given the opportunity to help implement a provincial organ procurement agency, as outlined by the Trillium Gift of Life Network Act. As a member of the initial board, our responsibility started with the hiring of the first CEO. The experience was both exciting and humbling, to see an organization not only become operational but develop to become a leader in organ and tissue donation.

The network is young, and there is more to do. The ever-increasing demands for organs will cause us to explore ways to expand the pool of donors through innovative approaches such as non-heart-beating donors, paired list exchange, anonymous donors and living

donors. The network has the potential of becoming a world-class leader.

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In June 2004, the CEO of the network stepped down. I was asked by the board to step in as interim president and CEO while a search occurred for a new CEO, and I'm happy to report that Dr Frank Markel will assume this position on January 4, 2005. This experience has given me a very privileged view of the operations of the agency and a better understanding of my responsibilities and accountabilities as a director on the board of Trillium Gift of Life Network.

I'd be very pleased to answer any questions related to my academic credentials, my work or life experiences or, indeed, any questions deemed important to you. Thank you very much.

The Chair: Thank you very much for the presentation and the background on Trillium Gift of Life. Any questions from the government members?

Mr Berardinetti: I think Mr Levac may have a question.

Mr Dave Levac (Brant): There was a question about positions at the beginning. Can you clarify what that temporary position was?

Ms Wilson: Yes. The CEO stepped down in June and the board did a search to get someone to cover while the search went on for a new CEO, and they weren't successful. I had just taken early retirement, so they asked me if I would fill the position until such time as someone was hired, and that has occurred.

Mr Levac: That has already occurred—

Ms Wilson: Yes, Dr Frank Markel will be taking—

Mr Levac: —so there's no conflict or perceived conflict about this particular appointment, if it should be questioned.

Ms Wilson: Yes.

Mr Levac: Thank you very much for that clarification.

Mr Berardinetti: On behalf of the government, I just want to thank Ms Wilson for coming here and presenting today.

The Chair: The official opposition: Ms Scott, any questions?

Ms Laurie Scott (Haliburton-Victoria-Brock): Thank you for coming, Ms Wilson. You have a very impressive resumé. I was going to follow up on the question by Mr Levac. Did you say that the person is going to take over as CEO in 2005?

Ms Wilson: This coming January.

Ms Scott: OK, January 2005. So you'll be leaving that position. And you've been on the board since 2001?

Ms Wilson: The initial board, that's right.

Ms Scott: How did you get to the initial board? Can you just back up? You might have mentioned it in your introductory remarks. You've been on the board since 2001, and before that you set up a program, didn't you, or was that part of—

Ms Wilson: That was before Trillium Gift of Life. It was done within one of the teaching hospitals here in Ontario. At the time, I was program director of critical care and surgical nursing. Our hospital chose to move ahead with organ donations, so we established a program and I was instrumental in the development of that program.

Ms Scott: Was that the one in Kingston?

Ms Wilson: Yes.

Ms Scott: I used to nurse, in another period of my life, and was involved a bit in the transplant program at Toronto General Hospital at that point. I was interested in hearing about the waiting lists and the families. I know that they sign their drivers' licences. I never saw that as official documentation, I guess. Are there instances when you can't get the family and the driver's licence is the only thing you can go by? I wonder about that.

Ms Wilson: If you can't get the family present?

Ms Scott: You can't get the family but there is a driver's licence and the person has signed over organs.

Ms Wilson: And the family chooses not to donate?

Ms Scott: You can't find them.

Ms Wilson: That happens very rarely in the province. I think that in the last two years it may have happened only once, but there was no evidence on the person when they arrived in emergency that they wished to donate. It's not a common thing.

Ms Scott: I didn't experience it at all. But it usually was the family that was spoken to. There has been a lot of education about that, and I'm sure it's a little easier.

Can you explain a little bit about the programs you were involved in to communicate the needs to the family, especially when it happens in an emergency situation and time is of the essence for organ retrieval? Do you find the families receive the information better in the day and age we're in? Is there more or less resistance?

Ms Wilson: I think the families are more receptive than they were a while ago. I think the education message that the network is sending out is that when you sign your donor card, talk to your family. We find, and our polling will show us, that close to 90% of families, when they know the loved one wanted to have organ donation, agree to it and would have no hesitation doing that if they had been spoken to. So our message is clear that you not only sign the card to indicate your willingness to become an organ donor but that you tell your family about your wishes.

We have quite extensive programs in the hospitals now. Since it's a relatively new organization, the focus has been on the hospitals where we feel the greatest potential for organ donation occurs, which are the large, trauma, critical-care hospitals. There are 13 of those in the province, and we have put a Trillium Gift of Life donor coordinator in each of those hospitals, with the exception of CHEO in Ottawa, which has a shared one at this present time, but we're in the process of hiring one for that hospital. A good part of their work is education among the professional staff in terms of how you ask for consent, when you ask for consent and what types of supports you give donor families before, during and after the donation occurs. So there is quite extensive work being done.

Ms Scott: Certainly a lot more than in my days at the transplant centre, for sure. Are there any other things you'd like to see done so that we can increase organ donation in the province? It sounds like a lot has been accomplished within the medical settings. Do you have any ideas?

Ms Wilson: In terms of spreading out, we are now in the next phase where we are spreading out education programs to all community hospitals in the province. We have put a focus on the GTA, because 75% of the population is in the GTA and we have 15 over-200-bed hospitals here. So we feel there's potential here and a great need to get in to do education. We have just started that phase of our development.

One of the areas we are working in, and actually are taking a lead in nationally, is the ethnocultural diversity studies being done, in the sense that sometimes our communication message has not reached these communities in a way that has been meaningful for them. We have taken a lead in working with the Chinese community in this province, so the study from the Canadian Council for Donation and Transplantation for the Chinese community is in the province of Ontario. They have been very impressed with the leadership of Trillium and have now asked us to take on several other cultural communities, which we will do as resources are available.

Ms Scott: That's very interesting.

There has been a lot of changeover on the board lately, I think, in some of the members. Brian Flood was reappointed as a member. Was he the chair for a while?

Ms Wilson: He was the chair.

Ms Scott: Was there a reason for that? Did he not want to be the chair?

Ms Wilson: I wasn't privy to the appointments, but I think he is very pleased to serve as a past chair on the board.

Ms Scott: Did they say how long your appointment would be for?

Ms Wilson: No, I haven't seen that yet.

Ms Scott: So you don't know if it's year, two years or three years?

Ms Wilson: No, I don't.

Ms Scott: What has happened historically?

Ms Wilson: Well, it's a new board, and I think what happened with the new board was that we were all appointed at the same time, so our terms all ran out at the same time. I think there's an attempt now to expand the base of the board to reach into the community more and into different cultural communities and throughout the province. I believe an attempt will be made that everybody have a different length of term so we don't have a changeover all at once again.

Ms Scott: OK, because we noticed that.

I think you'd be a very qualified chair. Thank you for coming here today.

The Chair: Mr Tascona, anything?

Mr Tascona: No, Mr Chair.

The Chair: Ms Horwath?

Ms Horwath: I don't have too many questions, because I think a lot of the ground has already been covered. But I wanted to ask you particularly about the current system of consent for organ donations. Do you think it's a good system? Do you think it's an appropriate system?

Ms Wilson: Are you referring to the notion of presumed consent?

Ms Horwath: Yes.

Ms Wilson: I understand a private member's bill on presumed consent, Bill 156, was tabled in the House last week. I have not spoken to anyone related to the bill, but my understanding is that everybody is presumed to consent to organ donation and, if you choose not to, you fill in a form or apply to be taken from the registry and, at the time of death, the family, again, can say, "No, we're not supportive of organ donation."

It's an interesting concept, and I personally and I think the network are very open to any new, innovative approach that will expand the pool of donors.

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I'm very aware that the public is very split over presumed consent. The latest polling done through the CCDT, the Canadian Council for Donation and Transplantation, indicates that the majority do not favour presumed consent. So presumed consent needs to be done with study and with care, because people on both sides are very—not rigid, but they're very emphatic about their point of view.

I'm not sure at this point just what it would do, but you need to know that there is a provision in the Trillium Gift of Life Network Act that will be proclaimed, probably next year, in 2005, which requires that every death in Ontario in designated facilities be reported to the Trillium Gift of Life Network. There will be an initial screening, and if this individual is a potential donor, then there will be the requirement that a request be made to the family for organ donation. That certainly will help make people aware. It's a big awareness activity, and it will give the opportunity to everyone in Ontario to make the donation for either organs or tissue.

Ms Horwath: So that would be almost an interim step of making it a more proactive system in regard to getting the organ and tissue donations?

Ms Wilson: That's right.

Ms Horwath: You said the majority were not in favour of a presumed consent system. Do you happen to recall off the top of your head what that majority was?

Ms Wilson: We just had a little presentation by people from the CCDT and they didn't give us the exact number, but depending on the polls, they're varying anywhere from 65% to 78%.

Ms Horwath: Do you think that number would change? You talked a lot, both in the interview and in your opening remarks, about the need for more education. I presume that's the focus you want to see being taken at this point in time. Is that the goal, that the education that you're going to be undertaking or that

you're looking to do starts to move some of those opinions?

Ms Wilson: As to the opinion about organ donation, in the polling—"Do you believe in it? Would you have an organ donor yourself?" or the different questions asked—right now between 85% and 90% agree with that. So in the public now organ donation is seen as a very viable treatment modality for certain conditions, and people certainly agree with it.

You need to know that of all the deaths that occur, only 1% or less are eligible for organ donation. The individual must at this point proceed to neurological brain death, and then, when you get there, that is before there is the screening for disease processes that might be contraindicative. It may also be that the patient is so unstable they can't be maintained. It may be that the family does not wish to consent. So it's a small pool that you're drawing from. Now, that's not the same with tissue donation. That's an area where we have to move, because in Ontario at the present day we are only recovering enough bone tissue to meet 10% of the needs. We are recovering enough eyes to meet about 90% of the needs. There's a pool out there for donation that we need to approach.

The other thing that's happening, and you need to know, is that we do feel the effects—and it's a good effect to feel—of our seat belt laws and our helmet laws, which are being expanded, I understand. Also, we have an aging population, and there are age limits on some tissue and organ donations.

Ms Horwath: Thank you. I have no further questions.

The Chair: Thank you very much. We'll move to concurrence after the next intended appointee.

I want to put a good word in. A friend of my wife's and myself works with Trillium Gift: Allison Kelly. Please pass on my best to Allison when you see her.

Ms Wilson: I certainly will.

The Chair: Tell her I behaved myself reasonably well in the chair, as well, which will come as a surprise to her. Thank you for your time.

WAYNE MacKINNON

Review of intended appointment, selected by official opposition party: Wayne MacKinnon, intended appointee as member, Ontario Rental Housing Tribunal.

The Chair: The next intended appointee is Mr Vernon Wayne MacKinnon, an intended appointee to the Ontario Rental Housing Tribunal. Mr MacKinnon, welcome to the standing committee. You have time to make an opening presentation about yourself, your background and your interest in the committee and then, as you've seen—you've been in the audience—I will begin any questions with the official opposition. Sir, the floor is yours.

Mr Wayne MacKinnon: First I want to thank you for inviting me here today. My name is Wayne MacKinnon. I presently reside in Ottawa, even though I was born in small-town Nova Scotia, in New Glasgow to be specific. I moved to Ottawa in the early 1970s and have worked there ever since. I'm presently what you might call semi-retired, I guess.

As for the board here, I applied for a position on the Ontario Rental Housing Tribunal in the late spring this year. I had looked through—actually, I had heard about the boards and agencies, and I got in contact with my member's office to get some more information. I got an e-mail address and looked up the government agencies and boards and found this one that looked kind of interesting, that I thought I might be interested in. I downloaded all the information—the application form and all the information about the board—and after reading through all the necessary qualifications and that sort of thing, I felt very confident that I had the background, the experience and the pretty enthusiastic interest in such a position at this time, in particular my time spent working in the area of social services as a social worker and, after that, as an employment insurance officer, and of course then I worked for several years with the Ottawa-Carlton Regional Housing Authority. Through those three particular areas, I think I can contribute significantly to the board in terms of my own knowledge and skills with respect to the qualifications.

Lastly, I worked for several years as executive assistant to an MP from Quebec, up until November last year. Basically, I have a broad experience in community development and community involvement. I'm pretty familiar with the Tenant Protection Act and the Statutory Powers Procedure Act that goes along with it in this case. I have some broad experience in dispute resolution, mainly stemming from my time with the Ottawa-Carlton Regional Housing Authority. I was the community and race relations co-ordinator for that group.

There are, of course, some areas where I could use a little information or look for a little more profound knowledge in terms of the adjudicative process. The mediation I have no problem with; I've been through that. I'm sort of a people person, you might say. I consider myself to be a quick study and feel absolutely confident about my ability to gain any missing knowledge and skills. My understanding is that such training is obligatory and will be provided by the committee.

I have no difficulty or hesitation whatsoever—I'm going to put my glasses on; I can't even read my own writing—in interacting and dealing with people in a very common and natural way, and that goes with anyone I happen to meet or in whose company I find myself. I've always been interested in learning about different cultures and am quite adept at identifying and/or recognizing different meanings and nuances and that sort of thing exhibited by different cultures who happen to live in our community.

In closing, just let me say I feel confident in my knowledge, skills and abilities in any available opportunities to learn the ropes through the training sessions and on the job. I'm pretty enthusiastic with respect to this position, and I guess that's about all I'll say for now. If you have any questions or comments—

The Chair: Great. Thank you, Mr MacKinnon, for the presentation. Again, thanks for being early too; we're actually ahead of schedule so we appreciate your being early for the intended time. To the official opposition: Any questions, Mr Tascona?

Mr Tascona: Thank you, Mr MacKinnon, for joining us today. I just want to ask you a couple of questions. Are you currently or have you ever been a landlord?

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Mr MacKinnon: No, I'm not, and I never have been.

Mr Tascona: OK. Are you currently or ever been a tenant?

Mr MacKinnon: Yes, I have been a tenant.

Mr Tascona: Are you currently a tenant?

Mr MacKinnon: No, I'm not.

Mr Tascona: Have you ever appeared before the Ontario Rental Housing Tribunal in any fashion?

Mr MacKinnon: No, I haven't, not at all. I've contacted them on behalf of people from time to time.

Mr Tascona: When you were working in the constituency office?

Mr MacKinnon: In the housing authority office.

Mr Tascona: And what type of contacts would you be making?

Mr MacKinnon: Oh, just information, actually. I would help people get information and get rolling in whatever it was they wanted to do.

Mr Tascona: Let me probe that a little bit: in terms of being evicted or in terms of making an application against the landlord?

Mr MacKinnon: Mostly in terms of being evicted, yes, or for non-payment of rent.

Mr Tascona: So you'd be contacting the local Ottawa office for information?

Mr MacKinnon: That's correct.

Mr Tascona: Do you know what venue you would be presiding over if you become a member of this tribunal?

Mr MacKinnon: Not specifically, no. During the interview I had with the chair of the board and two other members, they mentioned a pretty large area, part of it because I'm bilingual, I guess; they threw in some eastern Ontario parts, from Belleville down to Cornwall up to Hawkesbury, that kind of thing.

Mr Tascona: Who's your MPP?

Mr MacKinnon: The Premier.

Mr Tascona: Dalton McGuinty?

Mr MacKinnon: Yes.

Mr Tascona: Did you have any contact with him about this particular appointment?

Mr MacKinnon: Nothing at all, no. I've been in touch with his office; I went there to get the original information.

Mr Tascona: You got the original information from the Premier's office?

Mr MacKinnon: In Ottawa, yes. That's the constituency office I'm talking about, right?

Mr Tascona: I understand. Are you a member of the Ontario Liberal Party?

Mr MacKinnon: No, I'm not.

Mr Tascona: Have you ever contributed to the Ontario Liberal Party?

Mr MacKinnon: Yes, I have. I've contributed to the Conservative Party and the Liberal Party. I've been a member of both in the past.

Mr Tascona: You've been a member of the Ontario Liberal Party in the past?

Mr MacKinnon: That's right.

Mr Tascona: What are the main issues that you think would be important for you to deal with on this tribunal? I know the government is reviewing it, and landlord rights and tenant rights are a sensitive area.

Mr MacKinnon: Well, I'm not that up to speed on exactly what's going on with regard to changes and that sort of thing, but I have noticed, for instance, that the majority of applications to the board are from landlords—well over 90% are from landlords rather than tenants—and that almost half of those are resolved by default, meaning the tenants don't show up. I'd like to have a look at that and make some suggestions about a more balanced approach, I would think. For instance, the tenants have only five days to respond to the notice they get. That's a little bit out of sync with the time allowed for other things in the same kind of vein.

Mr Tascona: Are you familiar with the report—it was on television yesterday—of a woman who has a pit bull and has been given an eviction notice by her landlord? Are you familiar with that?

Mr MacKinnon: No, I'm not.

Mr Tascona: You're not? What is your view in general with respect to pets being allowed in rental units?

Mr MacKinnon: In general, I think pets should be allowed in rental units. In my experience as a social worker, in particular when I was dealing with the seniors, pets were practically half their life. It did all sorts of things for them therapeutically and emotionally. I just generally think that pets should be allowed. I'm not sure if all pets should be allowed.

Mr Tascona: It certainly depends on how the pet behaves.

Mr MacKinnon: That's right. A pet that doesn't disturb other residents and that sort of thing would be fine.

Mr Tascona: That's a fair comment.

Your resumé only goes as far as November 2003. What are you currently doing, sir?

Mr MacKinnon: I've just been doing some contract work for the federal government, mostly in communications.

Mr Tascona: What particular ministry?

Mr MacKinnon: None in particular: PCO.

Mr Tascona: What's PCO?

Mr MacKinnon: Privy Council Office.

Mr Tascona: Oh, that's the Prime Minister's Office?

Mr MacKinnon: Yes.

Mr Tascona: And what type of work are you doing for them?

Mr MacKinnon: Mostly just doing some research in two areas of Quebec. I finished that in August.

Mr Tascona: What type of research?

Mr MacKinnon: Mostly political stuff, I guess: who voted for whom—the election lists.

Mr Tascona: OK. My colleague has some questions.

Ms Scott: Thank you very much for coming here today. There isn't a lot of adjudicative experience or skills in your resumé. Do you feel you'd be OK in this role? Do you feel you've had enough experience?

Mr MacKinnon: I mentioned in my opening remarks—

Ms Scott: I'm sorry. I may have just stepped out for a minute.

Mr MacKinnon: —that that was the one area where I lacked a lot of the basic knowledge and skills in terms of adjudication, but I went on to say that I know that training will be provided. I consider myself a quick study and feel confident that I can get up to par within a short time.

Ms Scott: What type of training do they offer? Did they explain what would be available to you?

Mr MacKinnon: No, not specifically. They mentioned something about shadowing someone for a while. They mentioned something about an adjudicators' college; that might be a good suggestion for me. I think that's all they mentioned in terms of training for me.

Ms Scott: This is a full-time position?

Mr MacKinnon: Yes, it is.

Ms Scott: Did they tell you how much it would pay?

Mr MacKinnon: I think so. Somewhere between $65,000 and $70,000. I'm not sure exactly what.

Ms Scott: OK. So you've finished up your contracts. You said you're semi-retired and your contracts are finished with the PCO right now?

Mr MacKinnon: Yes, they are.

Ms Scott: So right now you're not employed. There would be no conflicts.

Mr MacKinnon: No.

Ms Scott: Those are all the questions I have.

The Chair: Thank you, Ms Scott. Ms Horwath?

Ms Horwath: Welcome. I'm wondering if you can explain a little more about your position with regard to the current framework of the Tenant Protection Act. You spoke briefly about the applications largely coming from landlords and you talked about time frames for tenants to respond, that a number—in fact, I think it's 58%—of those cases end up in default, with tenants not even responding. How would you describe the balance right now with the Tenant Protection Act? Do you think it adequately or appropriately balances the interests of landlords and tenants?

Mr MacKinnon: It doesn't appear to adequately balance the interests of both, but I'd have to have a little more information before I could say why that was. I'm not really sure. It might be that that's the way it ends up simply because the landlords are who they are and the tenants are who they are. I'd have to have a more in-depth look at that, I would think. But it would seem to me that the balance should be a little more slanted than it is toward the tenant.

Ms Horwath: Would you say that in an average landlord-tenant situation, one of the parties would have, just by virtue of roles, more perceived power than another of the two parties, and who would that be?

Mr MacKinnon: I'm not sure that's true, but I think that's how tenants might perceive it. That might be part of the problem.

Ms Horwath: I'm just trying to understand what you're saying. You think tenants would perceive that they have not enough power? Is that what you're saying? Or too much power?

Mr MacKinnon: Well, not as much as the landlord.

Ms Horwath: Not as much power. But that's a perception. You don't think that's necessarily the reality.

Mr MacKinnon: That's right.

Ms Horwath: OK. Do you have any opinion on the issue of rent control? Do you understand what the rent control system is and what it used to be and what it is or isn't now?

Mr MacKinnon: I do. No, I don't really have any opinion on it. I don't follow it very closely. It seems to be working.

Ms Horwath: In what way?

Mr MacKinnon: By saying, "It seems to be working," it's that you don't hear a lot of negative things or positive things about it. You don't hear anything about it. It's just there and it's happening and nobody seems to be up in arms about it very much.

Ms Horwath: And that would mean, from your perspective, that there are no concerns about rent control issues in the community that you—

Mr MacKinnon: I wouldn't say there are no concerns, because there's always a group of people who would oppose that for any number of reasons, whether personal or economic or whatever.

1100

Ms Horwath: Can you describe what the rent control system is right now that we have in Ontario?

Mr MacKinnon: I'm not sure we have an actual rent control, although landlords are, for instance, not permitted to raise their rents more than a certain percentage as determined by the board each year.

Ms Horwath: Have you ever heard of the term "vacancy de-control"?

Mr MacKinnon: Yes, I have.

Ms Horwath: Are you aware of the change that was made with the Tenant Protection Act versus prior legislation?

Mr MacKinnon: Yes, I am.

Ms Horwath: In terms of the existing regulatory framework, you talked about the possibility it might need some changes. Do you have any suggestions or recommendations on how the current legislation might need to be changed, or in what areas you might at least look to consider changes being necessary?

Mr MacKinnon: I wouldn't presume to be in a position to speak to that. That's sort of policy and I don't think that as a board member you get much into policy at all, initially anyway.

Ms Horwath: No, I was asking from a personal perspective.

Mr MacKinnon: No, I'm still not sort of involved enough to make a—

Ms Horwath: That's fine. Your resumé indicates you were a community development officer with the Ottawa-Carleton Regional Housing Authority. When was that?

Mr MacKinnon: From 1982 until 1992, I think.

Ms Horwath: All right. I don't think I have any further questions.

The Chair: Thank you very much. Government members: Ms Smith, do you have a question?

Ms Smith: I do, thank you. I just want to clarify. You said that you have belonged to more than one political party over the last number of years?

Mr MacKinnon: Yes, I have.

Ms Smith: Which parties were those?

Mr MacKinnon: Those were the Progressive Conservative Party and the Liberal Party.

M^me^ Smith: Je voulais vous remercier d'être venu aujourd'hui avec nous. Est-ce que vous pouvez confirmer que vous pouvez servir dans les deux langues officielles du Canada?

M. MacKinnon: Certain. J'ai travaillé pour un député de Montréal, de N-D-G–Lachine à Montréal, et puis il faut absolument parler dans les deux langues pour être adjoint exécutif pour un député du Québec.

M^me^ Smith: Oui, c'est ça. D'accord. Merci beaucoup. On apprécie bien votre intérêt et votre service.

The Chair: Thank you. Merci. Mr Berardinetti?

Mr Berardinetti: I would say, in English, thank you on behalf of the government for coming here today.

Mr MacKinnon: Thank you.

The Chair: Any other questions, folks? Thank you very much, Mr MacKinnon, for your time. Actually we're next going to move to concurrences, so please make yourself comfortable if you want to stick around and see the action.

Folks, that is our time for intended appointees. I'd now like to move to concurrences. I thank our three intended appointees for their presence here today. We will now consider the intended appointment of Mr Walter Connell, intended appointee of member of the council of the College of Denturists of Ontario.

Mr Berardinetti: I move concurrence.

The Chair: Mr Berardinetti moves concurrence. Any discussion on Mr Connell's intended appointment? Seeing no discussion, all in favour? Any opposed? It's carried.

Mr Connell, congratulations. There you go. As I said, we look forward to those snappy press releases from the denturists.

Mr Tascona: I had no doubts.

The Chair: No doubts, eh?

We will now consider the intended appointment of Sue Wilson, intended appointee as chair, Trillium Gift of Life Network board of directors.

Mr Berardinetti: I move concurrence.

The Chair: Mr Berardinetti moves concurrence. Any discussion?

Mr Tascona: I second that.

The Chair: Mr Tascona seconds this—who did not second Mr Connell's, I would add. Mr Connell has noted that solemnly in the audience.

Mr Tascona: I do that retroactively.

The Chair: Oh, fair enough. The record is now corrected retroactively. Very good.

Any discussion on Ms Wilson's intended appointment? All in favour please raise your hands. Any opposed? Seeing no opposed, it is carried.

Ms Wilson, congratulations on the new position with the Trillium Gift of Life.

We now consider the intended appointment of Wayne MacKinnon, intended appointee as member, Ontario Rental Housing Tribunal, full-time.

Mr Berardinetti: I move concurrence.

The Chair: Mr Berardinetti moves concurrence. Any discussion about Mr MacKinnon's intended appointment?

Mr Tascona: I'll second that one.

The Chair: Mr Tascona seconds that one as well. Any discussion? All those in favour? Any opposed? Carried.

Mr MacKinnon, congratulations on your appointment. All the best on the tribunal.

Folks, the time for concurrence is completed. I wanted to add one thing. We are, as I mentioned, meeting next Wednesday, December 15, at 10:30 am. I'd ask that members look at your schedules for January and maybe send some suggested dates to your respective subcommittee members. We may want to meet in January, the date depending on availability and the number of intended appointees, the OICs, that we do get. So I'd ask you to do so, and may I suggest that after next week's meeting, the subcommittee may want to talk about potential dates for January.

Clerk, is there anything else I needed to discuss?

The Clerk of the Committee: No.

The Chair: Any other business, members of the committee? Great. Thank you very much. Have yourselves a great day. We'll see you on the December 15. We are now adjourned.

The committee adjourned at 1106.

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Wednesday 15 December 2004

Journal des débats (Hansard)

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Wednesday 15 December 2004

Mercredi 15 décembre 2004

The committee met at 1032 in committee room 151.

SUBCOMMITTEE REPORT

The Vice-Chair (Ms Andrea Horwath): Good morning, everyone. Welcome. We're going to start the meeting off. As you'll see from the agenda, the first order of business is the report of the subcommittee on committee business dated Thursday, December 9, 2004. Can I have someone move it?

Mr Ernie Parsons (Prince Edward-Hastings): I move that.

The Vice-Chair: Thank you, Mr Parsons. Mr Tascona?

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): Before we move acceptance of the December 3 certificate, I've got a matter to raise regarding the TVO appointees. On December 1 in the Hansard, Minister Chambers said, "We actually have 13 board members, and of those 13 we have made a commitment to five francophone members. At this point we have four, because we actually did two more appointments today. You should be up to date. So it's done." That was in response to Mr Bisson, who is here today, and Minister Chambers is the Minister of Training, Colleges and Universities. Well, in our opinion, it's not done. The minister's comments came two days before the information was made available to members of this committee. Minister Chambers has totally disregarded the role this committee plays in the appointment process.

Madam Chair, in the past, when a minister has made a mistake of this magnitude, we have asked that you write to the minister on behalf of the committee. I would like you to do that in this situation, and Minister Chambers needs to apologize to this committee. Quite frankly, I think she also should be apologizing to Mr Bisson, who's the MPP for Timmins-James Bay, for suggesting that he ought to have known something that was not yet public. Those are the comments I have, and I would request that that information be forwarded in writing from this committee, on behalf of the Chair.

The Vice-Chair: OK. I'm not sure whether that actually requires a motion, but I believe that's the case. Are you moving that, then?

Mr Tascona: I'm requesting that the clerk do that. Mr Bisson may have some other comments.

The Vice-Chair: Are there any other comments?

Mr Gilles Bisson (Timmins-James Bay): It's a little bit, you know, of somebody being too cute twice type of thing. I think Mr Tascona raises it—it was just an attempt by the minister to be seen as doing the right thing, which I guess I'm not in disagreement with. But he raises a good point, that that information had not yet been forwarded to this committee, so the minister was actually speaking out of turn. There is a process, which is that appointees are first sent to the members of the subcommittee in order to be vetted, and then we decide from there who's going to be called before this committee. There's been a fairly long practice around here that we don't disclose names of people who are appointed until after they've actually been concurred in.

Mr Parsons: I just raise this—it was not intentionally done. It was a slip of the tongue during a very high-pressure moment, I suspect. Certainly our government appreciates the process and is endeavouring to follow it as closely as possible.

The Vice-Chair: OK. I still have the request outstanding. Unless there's any reason why, that I hear from members, that shouldn't be done, I could certainly send a letter as a Vice-Chair, chairing this particular meeting, that indicates our concern about the process and just reminds the minister of the process that's required. That's great. Thank you, Mr Tascona.

We'll go back to the subcommittee report. Can I get a mover? It was moved by Mr Parsons, Thank you.

All those in favour? Any opposed? That's carried.

COMMITTEE BUSINESS

The Vice-Chair: Our next item of business is the extension of deadlines. Pursuant to standing order 106(e)11, unanimous consent is required by the committee to extend the 30-day deadline for consideration of the following intended appointees. I believe you all have the list with you: Thomas Little—I'm not going to go through the various—

Mr Bisson: Can I ask the clerk what the reason for the extension is?

The Clerk of the Committee (Ms Susan Sourial): The certificates expire on January 2, and the committee won't have a chance to meet before then.

The Vice-Chair: So Thomas Little, Diane Desaulniers, Peter Gavan, Liam McCreery, Victoria Gerra—

Mr Bisson: Dispense.

The Vice-Chair: OK. Thank you. Can I get a motion for the extension?

Mr Parsons: I'll move it.

The Vice-Chair: Is there any other discussion? Seconded by Ms Smith.

All those in favour? Any opposed? That's carried.

INTENDED APPOINTMENT

HAMLIN GRANGE

Review of intended appointment, selected by official opposition party: Hamlin Grange, intended appointee as member, Toronto Police Services Board.

The Vice-Chair: We now will move to the review of the appointee. We only have one interview this morning, and it is with Mr Hamlin Grange, who is an intended appointee as a member of the Toronto Police Services Board. Mr Grange, if you could please come forward. Welcome, and thank you for joining us this morning.

As you're getting ready, I'll explain to you the process. As you might already be aware, the way it works is that you'll have an opportunity to make some comments, to say a few words, if you want to do so. You don't have to, but that's often been the tradition. After you have made that statement, all the parties, in rotation, will have an opportunity to interview you, ask some questions. Any time you take for your initial comments will come off the allotted time for the government members in terms of their interview, and each of the parties will have about 10 minutes to ask questions of you. With that, please begin when you wish.

Mr Hamlin Grange: I do have a statement to make. Good morning, Madam Chair and ladies and gentlemen.

First, let me say how honoured I am to be nominated to be a member of the Toronto Police Services Board. I'm also pleased to appear before you this morning as you consider my appointment for this very important position.

As you can see from my resumé—you may have it in front of you—I have significant experience serving on a variety of volunteer boards. They include being a member of the board of directors of the YMCA of Greater Toronto, where I'm also co-chair of the council of advisers, a member of the audit committee, as well as a member of the board of development and governance committee. I'm also a trustee of the Royal Ontario Museum, where I am a member of the governance committee and the research and exhibits committee, as well as the board's representative on the Institute for Contemporary Culture. I'm also a board member of the Innoversity Creative Summit, which is an organization that finds and shares best practices in diversity management in a variety of sectors.

For four years, I was president and a board member of the Canadian Association of Black Journalists. Until recently, I was a member of the community advisory committee to the commissioner of the Ontario Provincial Police.

Besides a range of experiences with a variety of community organizations, I bring significant managerial experience to this new role on the police services board, and that would include being a former managing editor of a weekly newspaper, a former national director of a federal youth internship program, and currently I'm president and managing partner of my own company, DiversiPro Inc, which is a diversity consulting firm.

I'm an experienced facilitator and consultant in diversity management in organizations. I help managers to understand and manage diversity in their workforce and marketplace. I also work with journalists and others to help them understand and integrate diversity into their work.

I've also worked for a variety of public sector, service sector and media organizations on diversity-related projects. In my many years as a journalist, I developed a reputation for being fair and also uncompromising in getting to the facts by listening well and asking straightforward questions. As a result, I have developed a network where I'm well known in a number of community sectors and areas of concern. I believe these connections with be invaluable in my work on the police services board.

Since my nomination was announced, if you want to call it that, I've been surprised at the overwhelmingly positive support I've received from a wide range of individuals, not only here in Toronto but from across the province. I have received phone calls and e-mails from ordinary folks, community workers, politicians of all stripes, members of the faith community and even police officers. They've all talked about the need for the police services board and the police service to better serve all citizens, all residents of the city, as well as the rank-and-file officers who are sworn to serve and protect them.

1040

I believe the phone calls, cards and letters are indicative of the important role the police play in our society. After all, what our police service does affects of us. As a result, I've been left with one conclusion: They all want the same thing, an effective and efficient police service that serves all Torontonians, including its officers, and it should be done fairly. They may differ in how to get there, but the goal is the same. This, I believe, is in line with my own goals, and I bring to the board strong personal values of fairness, inclusiveness and accountability.

Madam Chair, I'm now pleased to answer any questions from the committee.

The Vice-Chair: Thank you very much. The last time we were in committee we began with the New Democratic Party members, so the government members have about six or seven minutes. Ms Smith?

Ms Monique M. Smith (Nipissing): Thank you, Madam Chair. Mr Grange, you certainly have an impressive resumé, and I think you'll bring a lot to the board. I wanted to ask, do you now or have you ever had a membership in a political party?

Mr Grange: No, I have not.

Ms Smith: And have you ever made a contribution to a political party?

Mr Grange: No, I have not.

Ms Smith: Thanks.

Mr Grange: That's the curse of being a journalist, perhaps; I don't know.

Ms Smith: It could be. Thank you very much. I think my colleague has some questions.

Ms Laurel C. Broten (Etobicoke-Lakeshore): Mr Grange, I represent a riding in Toronto, Etobicoke-Lakeshore, where we are struggling with a lot of issues that we struggle with, I think, in the rest of the city. We have high levels of diversity, and we have a lot of youth who are having concerns. We work very closely with the police in our community to try to ensure—I think you're right that everybody does want the same thing. But at times they come about that same thing in a different manner. There are obviously different forms of policing theory, and I'm wondering if you could share, just a little bit, what you see as the role you can play on this board to help our police in Toronto meet the common goal that we all have, because there are very many different routes to get to that goal.

Mr Grange: Yes, you're absolutely right. The police services board, as you know, is not necessarily involved with how the police do their work—the operational side of things—but is responsible for putting in place policies and procedures to make sure that the force goes in a particular direction. I think the concept and the reality of community-based policing is still a good way to go. How the force implements that, I think, is going to be dependent upon the board giving specific directions on how to go forward on that. Community-based policing, I believe, is good. What it does is put people and the police in a situation where they're working together as opposed to at odds with each other, so I'm very much in favour of it.

In terms of what I can bring to the board, not just as a journalist but as someone who has a family, who has kids: There's a real concern that I have in terms of youth involved in crime. I think that sometimes it's not necessarily a law enforcement issue. I think we might be thinking about crime prevention more than law enforcement. You don't always want to lock up the bad guy. Let's get to them before they become bad guys. I'm really for that.

Ms Broten: Can you share with us a little bit, perhaps, what your experience with the YMCA will bring? I would suspect some of the concepts you've just shared with us have been formulated somewhat from the years of experience working with the Y.

Mr Grange: Absolutely. Let me tell you about the program I was involved with. The federal public sector youth internship program was a program that was funded by the Treasury Board and was quite a large program. The goal there was to give young people—these were youth at risk as well as young people who were graduated from high school—an opportunity to get their first job. Something like 4,000 young people went through that program.

Coming out of that, I got a keen sense—I went to the job at the Y on a secondment when I was at the CBC. You know, being a journalist you can detach yourself so much from real life in many ways. The attitude is, "I report on things. I don't get involved in things." Going to the Y forced me to do the opposite. It forced me to understand and really get up close and personal with young people. What I saw in some of these young people, especially those who were youth at risk, was a real desire to do better, to better themselves if they're given a chance. That's what I learned. Many of the things I've learned at the Y in terms of working with people, certainly listening to and helping people make healthy choices, have really shaped the way I look at things in many ways today.

Mr Lorenzo Berardinetti (Scarborough Southwest): Thank you, Mr Grange, for appearing here today. I'm a former city councillor in the city of Toronto, and I've had experience dealing with the police services board. Some of our members sat on the board. It seemed at times that there was a lot of controversy, and at times some of the city council members felt frustrated that they couldn't get their views put forward. They thought the police had their basic—I don't know if I should use the word "agenda," but put forward their point of view very strongly at board meetings. How do you see yourself fitting in there and being sort of proactive, or at least able to view the concerns of the citizens of Toronto, as opposed to the views of the police?

Mr Grange: There's no doubt that this is a difficult assignment. The board has had some challenges, and I think a lot of the challenge has been a result of board members talking to themselves through the media. That is not at all helpful. I think board members need to speak among themselves and come to some understanding, but the board also needs to be in contact with the chief. The sense I've always had, reading in the press—I'm not there—is you have a command structure that feels they're at odds with the board, and I don't think that's what we want.

Hopefully, what I can bring to it is a good sense of governance. I'm a very strong believer in good governance in boards. I think if you put good structures in place, good rules of conduct in the way the board members conduct themselves and the relationship they have with management—which is the chief—we can avoid a lot of those things. I suspect a lot of that stuff simply wasn't being followed and maybe that's the reason we had the problem. But I just don't know; I wasn't there.

The Vice-Chair: That concludes the time for the government side. Members of the official opposition?

Ms Laurie Scott (Haliburton-Victoria-Brock): Thank you very much for appearing here before us today, Mr Grange. I see on your application that you live in Brooklin.

Mr Grange: That's right. Brooklin is a part of Whitby, and it's growing.

Ms Scott: Yes, I've been through Brooklin a few times.

I just wondered: It's the Toronto Police Services Board but you live in Durham, right?

Mr Grange: That's correct, yes. I moved there about seven years ago. I grew up and lived in Toronto all my life, and my business is in Toronto. It's just one of those

things. I didn't think it was a requirement of this position to live in Toronto.

Ms Scott: It was a requirement?

Mr Grange: It is not a requirement.

Ms Scott: I'm not sure of that; I was just interested in the fact that you are in Durham.

Mr Grange: The chief lives in Vaughan, so I don't think it really matters.

Ms Scott: How did you hear about the appointment?

Mr Grange: I received a phone call from the appointments office saying that my name had been submitted. Somehow my name came up. I guess a number of people were putting forward names of individuals they thought would be qualified to do this job, and I received a phone call to ask if I would be interested. I said, "Tell me some more." We talked, and from there I had a meeting, over the telephone initially, with the office—

Ms Scott: Do you know with whom in the office?

Mr Grange: This was Debra Roberts.

From there, it was filling out a formal application—I think the timeline on that was about November 15 or the week before that, the 7th. Then I had a meeting with Minister Kwinter on about the 15th. We talked about many of the questions that were asked here. From there, I was waiting to hear back. I woke up the next Friday morning to see my name on the front page of the newspaper. I didn't realize I was a nominee.

Ms Scott: Have you ever spoken to Premier McGuinty or Mayor David Miller?

Mr Grange: No, I have not, not at all on this matter.

Ms Scott: I think my colleague would like to ask you some questions.

Mr Tascona: Looking at the Toronto Star headline of Friday, November 26, 2004, it says, "Diversity Activist Named to Police Board: Board Moves in Activist Direction." Did you see that?

Mr Grange: I saw it. Do you want my reaction to the headline?

Mr Tascona: Sure.

Mr Grange: It's a lousy headline. It was bad journalism.

Mr Tascona: Do you think you're an activist?

Mr Grange: To suggest I'm an activist is an insult to activists, quite frankly. I thought it was a bad headline, to be frank about it. I thought it was sensational and had no need to be there. I was actually quite surprised when I saw the story.

1050

Mr Tascona: We know that Chief Fantino lived in Woodbridge, so obviously there's not a residency requirement in Toronto.

Mr Grange: No.

Mr Tascona: Do you have any opinions on Chief Fantino's contract not being renewed?

Mr Grange: No opinion at all.

Mr Tascona: "Critics have charged that the board"—this is out of the Toronto Star article—"became too much of the rubber stamp for police requests and didn't aggressively fulfill its role as civilian watchdog." Do you share that opinion?

Mr Grange: I think that's been the case in the past, and certainly that's the impression I had when I was covering the police services board.

Mr Tascona: Do you have any specific examples that would give you that impression?

Mr Grange: I can't give you specific examples. It's just that tough questions weren't being asked of the force at the time. I don't know what has happened since. But it's my impression that hard questions weren't being asked, and perhaps certain information just wasn't being given, but I just don't know; there is that impression. I don't know whether that's the case today, but that was the impression in the past, when I was covering the police services board many years ago.

Mr Tascona: Was there one specific situation where you felt that the hard questions weren't asked?

Mr Grange: It's been a few years. The budget is always a big issue; budgetary issues are always big ones. The chief brings forward a budget, and the board has to make some decisions on that. Perhaps certain questions weren't being asked; some hard questions weren't being asked at the time. I don't know if that's the case today, though.

Mr Tascona: I think, from what you've stated about crime prevention and certainly more of a civilian watchdog role that the police services board should have—do you have confidence in the Toronto police?

Mr Grange: Absolutely, I do.

Mr Tascona: Do you feel that they're being adequately supported in terms of what they're dealing with in Toronto these days?

Mr Grange: What do you mean by "adequately supported"?

Mr Tascona: Do you think they have the support of the police services board?

Mr Grange: I think they do have the support of the police services board, from what I've seen. I can't speak for each individual there; I'm not on the board. But as a board of directors—I think there must be some level of support or we'd have total anarchy now, wouldn't we? There must be some level of support.

Mr Tascona: From what I can discern, I think you would believe that Toronto may be in need of some new community policing ideas. Would you agree with that?

Mr Grange: Yes; I believe so. You're probably going to ask me what those things would be, and I'd have to answer that I really don't know what those things are, because I don't have all the details in terms of the various elements they've put in place.

But times change. Community-based policing, as I recall, came into being—it had to be in the early 1980s, perhaps, and this is a different city. Things have changed. The demographic has changed, people's demands have changed—you see every day in your own constituency that things have changed—and perhaps we need to change that as well.

As I said, I don't know what is in place right now, but perhaps there is time to take another look at it. I'd have to take a look to see what exactly is there and see what the board can instruct the chief to do to respond to the different changes we're seeing in our community today.

Mr Tascona: Along those lines, do you have any specific goals you'd like to achieve on the board?

Mr Grange: Specific goals: I really would like to get this board to be functioning better than it has been. The former chair described it as dysfunctional, and I have no reason to doubt that, based on media reports and some of the things that were happening. So I think governance is a big issue; the relationship between board members; and the relationship between board members, the board itself and the chief. That, I think, should be at the top of the agenda going forward.

Mr Tascona: What about relationships between ethnic groups, the black community and—

Mr Grange: I think relationships with all communities are really important, and as board members I think we can do some work there as well, along with the police, absolutely.

Mr Tascona: Those are all the questions I have.

The Vice-Chair: Thank you, Mr Tascona. Mr Bisson?

Mr Bisson: I have just a couple of quick questions. I was interested in your response to the question earlier in regard to the headline. I hear what you're saying, that it's a bit of bad journalism. But why is it that you thought that particular comment about "Activist Appointed to Board" was a bad thing? Do you consider yourself progressive when it comes to trying to advance community policing? I'm trying to figure out why you didn't like that comment.

Mr Grange: I consider myself an advocate, an advocate for change, an advocate for fairness and all of those things. I've never considered myself to be an activist in the strictest sense of the word, and so what I was responding to when I saw the headline—it was unfortunate that they used that language because I think—and I'm very sensitive to the fact that, you know, it's obvious I'm a black man. You put a black man who's outspoken about social issues and change—automatically he's got to be an activist. Excuse me; I have issues with that.

It's the same as calling a woman an activist because she stands for particular things. I think it was an unfortunate headline. That's what I was responding to.

Mr Bisson: It was being somewhat of a stereotype. They were judging you—

Mr Grange: Yes, exactly. That's shorthand journalism, and it's lazy journalism.

Mr Bisson: I'm particularly interested in some—looking at your CV, I've got no doubt that you bring the necessary qualifications to the board, but I just want to explore a little bit more. Policing, as you say, and we all recognize, is changing with the times. Toronto is becoming an increasingly more diverse community, which is a good thing; I think we need to embrace that. My view is that we need to do more in order to make sure that the police are able to work within communities, and my observation, as least from my vantage point, is that it's not that the police are intentionally doing a bad job—I wouldn't even say that they're doing a bad job—but sometimes not understanding a community doesn't make you very effective when it comes to being able to do policing. So what kinds of things do you think you can bring to the board to assist in developing policies for the police to work within communities that may now not be understood by the police, specifically, the newer arrivals?

Mr Grange: I think you've touched on a good point here, and the term I use is "cultural competency." I do a lot of work in that area. Cultural competency is really about understanding. Culture is not just about ethnic cultures and racial cultures; even in a monocultural environment you have many cultures, whether it's a single mom, whether it's a single dad, whether it's someone who commutes from—heaven forbid—Brooklin, Ontario, to downtown Toronto or whatever, whether you live downtown. These are different cultures, and if an organization does not understand these various cultures, you simply will not be very productive. Higher-functioning organizations are becoming attuned to the fact that you must become much more culturally competent, and that applies to the police as well.

Mr Bisson: What are some of the steps that we can do to achieve that, to try to get there?

Mr Grange: There are four areas I think you need to take a look at. Cultural competency is really based on awareness, attitude, knowledge and skill. So you need to take a look at those four areas. How aware are we of the various cultures within our society? Listen, we can test for that. We can do surveys. We can do all sorts of things. What are our attitudes toward it? Because sometimes our attitudes will drive the level of awareness we will have, or even our behaviour toward people. I think sometimes we need to check those attitudes. The attitudes of your middle managers will very much decide whether or not your initiatives are going to be effective, because they have to implement those things.

Also, how knowledgeable are they, and what skills are you going to give them? That means that it's training, so you have to take a look at the training you're giving our officers and our front-line workers around this issue of cultural competency. The OPP is doing some work in that area, and I think—I don't have all the information in terms of what's being taught by Toronto police at this time, but I think it's something for them to look at. So cultural competency for me is a big piece.

Mr Bisson: Those are some good comments. On the other side, in regards to the police themselves, it's not an easy job. I personally would not want to do it. What they've got to put up with as far as the danger they risk and sometimes the situations they find themselves in are not the best ones. One of the issues, I know in talking to police officers back home, is that sometimes they feel they're not as supported as they need to be, and sometimes, for good reason or bad reason, we decide that we want policy changes, for example, high-speed chases. We just had an incident recently, and I think you might

have seen it in the media, where somebody was hurt as a result of a high-speed chase. I forget exactly where it was.

What's your view of how we approach the issue of use of force as far as the police? I expect that the police are going to have to use force at times, but it has to be limited. What are your views about how we can be proactive in trying to figure out ways that we can make sure there's only an adequate use of force and not too much force being used in high-speed chases or whatever it might be?

1100

Mr Grange: That comes down to certain operational things that I think the chief would have to deal with. From a board perspective, the use of force is always going to be an issue. Some of the policies that are in place right now, whether it's filing reports when you draw your weapon—the Taser issue is a use-of-force issue that's not going away; it's coming back—I think the board has to take a look at all of the information it has before it. There's a sense I'm getting from listening to reports that the board feels it may not have all the information on Tasers, for example, so it needs more information in order to make a decision. Being a cop in this town is a very tough job—I don't think anybody denies that—and they should be supported as best they can. But they should also be supported with proper procedures, policies that are put in place. That requires some sane and reasoned dialogue between both parties, whether it's the chief and the board or the chief and the chair. Perhaps that has not taken place in the short term, and maybe we need to have more of that.

Mr Bisson: I just have one last quick question. Where are you with the issue of officers on the beat? Often we don't see the presence of the police on the streets that we need to see in certain areas. What's your view on that—even if it means a higher number of police officers?

Mr Grange: That was a concept of community-based policing, wasn't it? Get them out of cars and get them on the street. We seem to have shifted away from that a little bit because of resource allocation. Maybe we need to revisit that as well. It's a budgetary issue.

Mr Bisson: So you support more police officers on the street.

Mr Grange: I want to see our police officers walking the beat and being in touch with the people, especially in the downtown areas, especially in places like Etobicoke. I think we need that. We've moved away from that, it seems. That's just my sense of it, but I don't have all the facts to give you.

Mr Bisson: Thank you very much.

The Vice-Chair: That concludes the questioning. Mr Grange, thank you very much for appearing before us. You can take a seat now, if you'd like. We're going to immediately go into the discussion of your appointment. Thank you for coming.

Interjection.

The Vice-Chair: Yes, you're allowed to.

Mr Parsons: I would move concurrence.

The Vice-Chair: You jumped the gun on me, Mr Parsons, but thank you very much. Mr Parsons has moved concurrence. Any further discussion?

Mr Bisson: No disrespect to the appointee—I think actually he's going to make a good addition to the board, and that's not my point. However, I'm a little bit, I guess the word is "miffed," at how we sometimes come to these appointments. I understand that we need to be proactive in making sure that we seek out the best people for the job, but it's pretty clear in this case that there was a pretty direct attempt on the part of the Solicitor General's office to find this individual. It just bothers me to the extent that—I understand there's a need to be proactive in order to go out and find people, but in this case it's pretty clear that this has the hands of the government all over it as far as an appointment. I just want to put that on the record.

Mr Parsons: If I could respond to that, I would like to state irrevocably that the Solicitor General did not seek this appointment. We have a Public Appointments Secretariat whose role is to find the best candidates for these positions. I think there's no question that the Public Appointments Secretariat sought it out, but the Solicitor General was not involved in this process.

The Vice-Chair: Any further comments?

Mr Tascona: I was just looking at this situation in respect to the candidate before us. The fact that he lives in Durham and he's going to be serving on the Toronto Police Services Board to me is—certainly it's a provincial appointment and they can choose people. I just would have thought that you would be looking for someone, if you're going to be serving the Toronto Police Services Board, who is a resident of that particular community. To perhaps feed on Mr Bisson's comments—because the government side can say what they wish; the fact that we have the parliamentary assistant to the Premier here today says a lot. She has not appeared here before and this is a high-profile appointment. This is a situation where the government's stamp is all over it; probably the mayor's office has been quite interested in this too, by the reports.

There's the fact that the individual lives in Durham and this is the Toronto Police Services Board. If it were my riding, the Barrie Police Services Board, and someone came in from another riding, I think people would be wondering why that would be the case. This is somewhat unusual. I don't think I've come across any situation where an individual who is chosen to sit on a police services board actually lives outside the riding, no matter what their relationship to the community has been in the past—and obviously Mr Grange has had a strong one, but that's not the point. It seems somewhat peculiar.

The government can respond as they wish, but those are the facts. He admitted that he did meet with the Solicitor General. He's the first one we've had here, I think, where there was an actual meeting with a minister. There's also the fact of the residency issue—whether it's required or not, it just seems a little unusual for the normal course of events. That's what we're faced with today.

The Vice-Chair: Mr Bisson and then Ms Broten.

Mr Bisson: I'll listen to the government first.

Ms Broten: I just wanted to correct Mr Tascona's statement. I have been a member of this committee before. I represent a riding in Toronto that is struggling under significant issues as to how we police our community, and those are the reasons I was interested in participating in the discussion today.

I don't think the evidence that came out in the round of questioning supports the allegations that are being advanced now. The role of the Public Appointments Secretariat is, as my colleague has said, to seek out the best individuals, and it is appropriate to interview those people in any process. There is not one position in this city that we would fill without an interview process taking place. I think it demonstrates prudent action, and I think a lot is being made of interviews taking place, when, in fact, if they weren't taking place, that's when concerns should be being advanced.

Mr Bisson: I guess the point I make is this: I'm sure there were other people who applied for the position of being appointed to the police board. We all know it's a fairly significant appointment. The police services board of the city of Toronto, to keep it short, is a pretty significant appointment, and I'm sure other people have applied.

The point I was trying to make is, it seems pretty apparent to me that the way this went down is the Public Appointments Secretariat contacted this gentlemen to tell him that if he's interested in applying, his name came up. That tells me somebody in the government basically talked to the Public Appointments Secretariat, who happens to be an appointee of this government. It's pretty clear that this is your guy. He might be the right person. At the end of the day, the argument that this person is qualified is not my argument; my point is, we go through this from time to time where this committee is asked to make a decision on one particular person who was selected from the Public Appointments Secretariat and we have no way of knowing who the other applicants were and if there were other applicants who were just as qualified. It's a bit of an odd process. That's the point I'm making.

I think one of the discussions this committee may want to look at is, whenever we're dealing with appointments, it might not be a bad idea that we know who else has applied and have their CVs so we can see whether other qualified people—

Ms Broten: Good lucking getting good people to apply if you use that process, Gilles.

Mr Bisson: Well, listen. Imagine being the owner of a business and you're going out to hire somebody, and all you do is hire your friends and you don't look at the CVs that come into your in-box. You might be bypassing people who are perfectly capable of doing the job as well.

All I'm saying is, what we should be looking at as this committee is, whenever appointments like this come up, it would not be a bad idea to know who else has applied so that we have a sense of what the choices were and just how unpolitical or political the Public Appointments Secretariat has been.

Mr Parsons: This is getting more prolonged than we had anticipated. First of all, there is no evidence that the government approached the PAS to do that, and the reason there is no evidence because is it did not happen.

Mr Bisson: He said it himself.

Mr Parsons: There were discussions after. We were talking about how the initial contact was made.

With regard to the residency requirement, the obligation of this committee—indeed, of anyone—is to get the best candidate, and I don't think residence affects it. I would suggest an example is that from time to time, political party leaders run for by-elections in ridings other than where they reside, and they have been able to represent that community very well.

1110

The Vice-Chair: OK, I think we've had a fulsome discussion on the issue and I think everybody—

Mr Bisson: You can't close down debate.

The Vice-Chair: I thought you were finished; I'm sorry.

Mr Parsons: No, I'm not.

The Vice-Chair: Oh, I'm sorry. I thought he was finished.

Mr Parsons: Just to respond to listing the other candidates, I would suggest that it would make it more difficult to attract candidates to positions when they know there's a possibility that if they're not successful their name will be published. No one wants to be listed as the first loser. I think making public everyone who applied and didn't succeed would impede the process, rather than help the process.

Mr Bisson: What a silly comment. Listen, people go out and apply for jobs each and every day in the economy of Ontario. They know that when they're applying, they're applying against other people, and there are winners and losers in job interview processes. To somehow suggest that by this committee at least having an ability to take a look at who the applicants were somehow or other is going to discourage people from applying—maybe somebody who says, "I'm not willing to apply unless I get the job" shouldn't get the job. I'll tell you, I've interviewed people in many capacities before, and whenever I've had somebody come to me and say, "I'm giving you my CV, but if I have to compete against somebody else, I'm withdrawing it," I chuck it out, because that's not the person I want on my team.

Mr Parsons: That's a misinterpretation of what I said. I've certainly been in the same position when interviewing, but I didn't say to the ones who weren't successful, "If you're not successful, I will be publishing your name in the paper and putting it over the radio." Certainly they're prepared to compete for a position, but not necessarily to have their name published if they're not successful. There is a profound difference.

Mr Tascona: I just want to clarify for the listening public what we're dealing with here. This is an appointment to the Toronto Police Services Board. The province

has some appointments to make to the police services board, and so does the municipality. On the police services board, whatever part of the province it's in, there are provincial appointments and there are also municipal appointments. What we're dealing with here today is not a provincial agency, tribunal or commission. What we're dealing with here is the Toronto Police Services Board, for the city of Toronto. What we're dealing with here is a provincial appointment to that particular board.

My point is, with all due respect to the intended appointee, that the intended appointee does not live in the city of Toronto. I don't know why. He obviously is involved in the city of Toronto. This is the city of Toronto Police Services Board. The province has made a decision in terms of this appointment. This is a provincial appointment. The stamp is all over the province in terms of, this is their appointment that they're putting forth and who they're going to vote for today. So let's not mince words here; this is a provincial appointment. This is the Liberal government's appointment to the Toronto Police Services Board, and they have selected an individual who doesn't live in Toronto. That's just the fact. This is a provincial appointment to the city of Toronto Police Services Board, not a provincial agency. That's the point, for the record, so the public understands what we're dealing with here today is the city of Toronto Police Services Board and a provincial appointment.

Mr Bisson: I'm just going to end it at this; I don't want to belabour it, and obviously we're going to vote. Two things: One, I'm not as hung up about where he lives. I know that this gentleman knows the city of Toronto, works in the city of Toronto and has a business in the city of Toronto, so it seems to me that he has some interest in the city. I understand the point that Mr Tascona makes, because if I was in Timmins and they appointed somebody from Sudbury to the police services board who didn't live, work or do anything in the city of Timmins, I would have a problem. But if the person obviously has a business there, I'm a little bit less concerned about that point.

I just want to come back to my other point. What I'm suggesting, Mr Parsons, is not that we make public the names of all of those people who applied to a particular position. What I'm saying is that this committee, before we get to this point where we're in an actual sitting of the hearings, should see who has applied, what is the range of applicants for the position, so that when we're making up our minds about who we call before this committee and who we don't call when it comes to the interview process, we have a sense of, why did they call this person up for an appointment and give it when there were five other people, and on the CVs these people are just as qualified. That was my point.

I'm just saying it's clear that this is an appointment to the government. The gentleman made it clear that he was contacted by the Public Appointments Secretariat. The Public Appointments Secretariat is appointed by the government. He was contacted by the minister's office, and this is a political appointment. That was my point. I would just ask, for further reference, that we look at the rules of this committee in order to do a better job.

Mr Berardinetti: I just want to make the point that the process we are following is the process we've followed throughout the existence of this committee and is the process that was established by the previous government. So I don't think the process is any different today from last Wednesday or from any previous meeting we've had. The process is the same, and if we want to change that, maybe the subcommittee can meet and discuss that at some point in time. I think we've had that discussion previously.

The second point I want to make is that the applicant here doesn't live in Toronto, but he works in Toronto, and I think Mr Bisson made that point already; I think that's quite significant. His resumé is full of Toronto connections in terms of where he has worked and what he has done in Toronto in various capacities.

The third point I want to make, my experience being with the city of Toronto, is that a number of top civil servants, the bureaucrats, the heads of various departments—I won't name names, but I found this very frustrating on city council—did not live in Toronto. They lived in places as far away as Newmarket, Vaughan or Oshawa and they'd drive in to work every day. We had this discussion many times at Toronto council, whether or not all civil servants should live in Toronto, and we decided not to do that for various reasons that I won't get into today.

Mr Bisson: That constitutional issues wouldn't allow.

Mr Berardinetti: Exactly. The constitutional issues wouldn't allow otherwise. That was a frustrating point, when you'd have some top positions held by people who didn't really live in the city. I know that the United States has passed rules in various cities that commissioners and various top city officials have to live within the boundaries of the city, but we don't have that here.

I think all those points are relevant in considering today's appointment. The applicant has made a good presentation today, and I see no reason why we can't go forward today with appointing him. If there are discussions to be made on process, that should be left to the subcommittee or be discussed at some other point in time. Thank you, Madam Chair.

Mr Tascona: I just want to make one point. This is an important appointment, and we have here today the chief government whip, Mr Levac, and also the parliamentary assistant to the Premier, so it just tells you how important this is to the government. That's all I want to say. Call the vote.

Mr Parsons: I was watching this telecast from outside this immediate area. When my colleague refers to Toronto, he really means Trawna. I need to translate for the viewers.

The Vice-Chair: Thank you for that clarification, Mr Parsons.

Mr Bisson: I appreciate the comment made by Mr Berardinetti that maybe the subcommittee should meet. The first point you made was that these have been the

rules and we've operated under them all the way, and I'm sure you didn't mean that we shouldn't look at whether there is a better way of doing public appointments. That's how I took your comment. I appreciate your willingness to refer this to the subcommittee and look forward to that happening.

The Vice-Chair: Thank you. My understanding from the clerk is that a lot of the processes are set out in the standing orders, so there may be some changes required to standing orders if we do anything significant in regard to how we operate the committee.

That having been said, concurrence in the appointment has been moved by Mr Parsons, seconded by Ms Smith.

Mr Tascona: I'll third that.

The Vice-Chair: He'll third that one. Thank you, Mr Tascona.

All those in favour, then? Thank you. Any opposed? No. That's been carried.

Congratulations, Mr Grange. Your appointment is confirmed.

COMMITTEE BUSINESS

The Vice-Chair: There is only one other small piece of business for committee members. If you recall the last meeting, there had been a discussion about finding a date during the intersession for us to actually have a meeting. I don't know if anyone has had the chance to review their calendar. We were looking for a date in January, if possible, so if you haven't had a chance to review your calendar and you don't have any dates to suggest, we'll do that through the clerk. The clerk will be—

Mr Tascona: I would suggest that there be some discussions with the whips' offices, because we're doing committee hearings. I'm going to be involved in Bill 132, the pit bull hearings, which is four days, and I'm also on the subcommittee, so I'd like that to be discussed—I emphasize the point "discussed"—before we set a final date. The government whips are setting up meeting dates for all the committee hearings, and this is just another one of them. I don't want to be double-booked for that.

I do have one other point of business.

The Vice-Chair: OK.

Mr Tascona: On the Job Mart site, the intragovernment site, there is listed as a restricted competition the position of the chair of the Environmental Review Tribunal, government of Ontario. So on the Job Mart Web site, intra.jobmart.gov.on.ca, the position of chair of the Environmental Review Tribunal, government of Ontario, is a restricted position. On the Public Appointments Secretariat, the same position, Environmental Review Tribunal chair, is advertised and it's not shown as restricted. I'd just like to know—maybe the Chair can find out for us what it is—is it restricted or is it not restricted?

The Vice-Chair: Further to that, why is it inconsistent in terms of the information?

Mr Tascona: You said it.

The Vice-Chair: Yes. We will look into that and have an answer for you at the next meeting.

With that, I'll adjourn the meeting. Thank you very much. It was a very productive discussion today.

The committee adjourned at 1121.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Tuesday 11 January 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mardi 11 janvier 2005

The committee met at 1107 in committee room 1.

The Chair (Mr Tim Hudak): I'm going to call our meeting of the standing committee on government agencies to order. First, welcome back, everybody. I hope everybody had a very nice Christmas and New Year's and Hanukkah, and nice celebrations with friends and family back in the ridings.

Interjections.

The Chair: Ms Scott and Mr Tascona are already, off the top, causing trouble to my left.

We have a relatively ambitious agenda today. We have hearings, our last one at 4:30. You may have noticed that we did have a couple of cancellations, so there is a bit more of a gap. There's a recess at 1 and then we're scheduled to reconvene at 3, as opposed to originally at 2 o'clock.

Secondly, because of water damage, we needed to move from the Amethyst Room to committee room 1. That having been said, translation services are still available for those who want to use them. I understand the translation services are monitoring this and are doing the active translation as we speak.

The other thing, and we can talk about this a bit, is that the tradition would be to do concurrence after we've completed all of the individual intended appointments. If folks have other views, we could adapt the schedule accordingly, but that's where I'll start as a presumption.

Mr Gravelle?

Mr Michael Gravelle (Thunder Bay-Superior North): Happy new year to you too, Chair.

The Chair: Thank you very much.

Mr Gravelle: It makes sense to me, if possible, if there is agreement by all the members, to maybe move adoption after the session between 11 and 1 and get those done with, and then take the second part. It's been done before, and I think probably it would work as well, as long as you're all comfortable with that.

The Chair: I'm fine with that. Any other thoughts on that?

Mr Joseph N. Tascona (Barrie-Simcoe-Bradford): Mr Chair, what's he proposing?

The Chair: When we move to concurrence of the intended appointees, Mr Gravelle's suggestion was that we do the ones from the morning before our recess, so we'd do those four approximately between 12:30 and 1.

Mr Tascona: I'm in agreement with that.

The Chair: OK. Thank you, Mr Gravelle, for the suggestion. We will proceed in that manner.

SUBCOMMITTEE REPORTS

The Chair: I'll move forward. Our first order of business on the agenda is the report of the subcommittee on committee business dated Thursday, December 16, 2004. All members of the committee should have been provided with a copy of that report.

Anybody to move adoption? Mr Berardinetti moves adoption of that report. Any discussion?

Mr Tascona: I move adoption.

The Chair: Mr Berardinetti beat you to that, but you could maybe move adoption of the next one if you like.

All in favour of its adoption? Any opposed? It is carried.

Order of business 2: the report of the subcommittee on committee business dated Thursday, December 23, 2004. Mr Tascona moves its adoption?

Mr Tascona: Yes, Mr Chairman.

The Chair: Thank you, Mr Tascona.

Mr Lorenzo Berardinetti (Scarborough Southwest): I'll second that.

The Chair: Seconded by Mr Berardinetti.

Is there any discussion on the business report for the December 23 session? Seeing no discussion, all in favour? Any in opposition? None. The motion is carried.

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COMMITTEE BUSINESS

The Chair: The third item is extension of deadlines. Pursuant to standing order 106(e)11, unanimous consent is required by the committee to extend the 30-day deadline for consideration for the following intended appointees: John M. Solursh, intended appointee to the Financial Services Commission of Ontario; Carol S. Perry, intended appointee to the Ontario Securities Commission; Sherene Shaw, intended appointee to the Social Benefits Tribunal; Su Murdoch, intended appointee to the Conservation Review Board; Maxine Coopersmith, intended appointee to Cancer Care Ontario.

Any discussion on this extension motion? Do I have unanimous consent from members of the committee? Thank you very much. We have unanimous consent to extend those deadlines to February 15, 2005.

Members have also been provided with a letter to Minister Chambers, the Minister of Training, Colleges and Universities, signed by my Vice-Chair, Ms Horwath, following up on the meeting of December 15. All

members have been provided with that letter. I think the letter is according to the discussion that took place that day: a very good point of information.

Any other business before we proceed with the first intended appointee?

Mr Tascona: Just something minor. There's the memorandum to the clerk re the order-in-council appointments memo of December 3, the withdrawal of Thomas Little for the Ontario Lottery and Gaming Corp board of directors, and then Victoria Gerra from the Ontario Review Board. I'm not really clear what you mean by "withdrawn." Are they not going to be considered by this committee at all?

The Clerk of the Committee (Ms Susan Sourial): The candidates have withdrawn their names.

Mr Tascona: Oh, is that right? OK. Thank you. That's all I wanted to know.

The Chair: Any other business? Thanks very much, folks.

INTENDED APPOINTMENTS

ANNE HOLBROOK

Review of intended appointment, selected by official opposition party: Dr Anne M. Holbrook, intended appointee as member, Drug Quality and Therapeutics Committee.

The Chair: We will proceed to our first intended appointee. The first, and we thank her for her patience, is Dr Anne Holbrook. Dr Holbrook is an intended appointee as a member of the Drug Quality and Therapeutics Committee, the very important and dreaded DQTC. Dr Holbrook, welcome to the committee.

Dr Anne M. Holbrook: Thank you.

The Chair: You have an opportunity to make some initial remarks about your qualifications and your interest in this position, and then members of the committee will have an opportunity to ask you any questions related to the intended appointment. With the assistance of the clerk, I begin questions with—

Interjection.

The Chair: The official opposition.

Dr Holbrook, the floor is yours.

Dr Holbrook: This is a reappointment. I'm not sure if the committee is aware, but I have been sitting on DQTC for about six years now, so this will be the second reappointment to the committee.

I think the reason I'm being reappointed is that the experience and training that I have is unique in Ontario, so it's very difficult to get well-qualified people to sit on this committee. For those of you who are not aware, this is the expert advisory committee to the drug programs branch of the Ministry of Health. There are about 12 members—mostly physicians, some pharmacists as well. We review primarily the cost-effectiveness of drugs, and their level of review is considerably beyond what's applied to, I think, probably any other aspect of practice. Certainly in health care it's well beyond what's applied to other areas. The reason the drugs are under scrutiny, as probably many of you know, is that they are the most rapidly progressing cost sector in health care, so they continue at about 16%. With the new biologics coming down the pipeline, that's going to be a continuing struggle. There are very few clinical pharmacologists in Ontario, and even fewer who are trained to do this kind of economic evaluation and appraisal. I think primarily that's why I've been reappointed.

Just to summarize, I brought a short CV. Someone had asked me to provide one, so I have it with me and I'd be happy to provide it to the committee.

I'm the director of clinical pharmacology at McMaster University and trained in internal medicine, clinical pharmacology and clinical epidemiology, which is about research methods and appraising the literature. I'll stop there.

I'll mention some other appointments that might be relevant. I also sit on the Canadian Expert Drug Advisory Committee; this has been going on for a year or so. I guess it's relevant to say that probably the Ontario model has become the Canadian model, and a lot of your tax dollars go to pay for that level of drug review. That now takes care of the new drugs coming on the market, and Ontario, at the DQTC level, is left with more time to try to deal with improving the quality of prescribing and the cost-effectiveness of prescribing. That's a recent innovation.

I also sit on the formulary committees at the regional and local levels, deciding which drugs to approve and make available for patients.

The Chair: Thank you, Dr Holbrook, and on behalf of the committee, thank you for your brief 23-page CV.

Dr Holbrook: You have the big one.

The Chair: Any questions from the official opposition?

Mr Tascona: Thank you for coming here today. Being a McMaster University graduate, I'm very impressed by your CV. I think you're going to add a lot to this particular advisory panel.

We brought you here because of your expertise, and obviously you have some in this area. If I could ask you a few questions, and I know our time is limited, and if you can be as responsive as possible, I'd appreciate it.

We've heard from Fabry patients and other experts that the Drug Quality and Therapeutics Committee is not an appropriate vehicle to review catastrophic treatments such as those for Fabry's disease. Would you agree?

Dr Holbrook: No. I think Fabry's disease is a very good example. It's a very rare condition with, to date, no real true disease-modifying drugs available. That's not unique to Fabry's; that's very common. Virtually every disease you look at—and many, virtually all, are much more common—have no true cures and very few disease-modifying treatments. The Fabry's disease group, because it's small, readily identified and has a very active lobby group on their behalf, I think is to be commended. The public consumers should be more involved in their efforts to seek the drugs they need. Unfortunately in this

case, this is reviewed at the CEDAC level rather than the Ontario level. It's re-reviewed at the Ontario level, so I'm well aware of the situation with the drugs for Fabry's from the CEDAC perspective as well. They don't make the threshold that we typically apply in terms of cost-effectiveness.

The primary problem, and this is what I mentioned about the new generation of biologics coming to the market for every condition we have, is that the industry is bringing these products out at approximately 10 to 20, and sometimes several hundred, times the cost of previous drugs without the attending evidence we need to show that they're actually effective enough to be worth that cost.

For example, a year's worth of Fabry's treatment costs $300,000, and that's a treatment without good evidence that it actually saves the important morbidity that Fabry's patients have.

Mr Tascona: Let me ask you that, then. Do you think that Fabrazyme should be funded?

Dr Holbrook: Fabrazyme has come to the Canadian committee before. You can look up the consensus on the Web, but my recollection is that it was unanimously turned down.

Mr Tascona: Do you agree with that?

Dr Holbrook: I'm part of the committee.

Mr Tascona: Well, I'll make sure.

Dr Holbrook: Yes. I think there is something to be done about what we call orphan drugs and orphan diseases, of which Fabry's is one, but I think that is not our role. We're the drug expert committee. We look at things in terms of effectiveness and economics. That is our expertise. The societal consideration beyond that is, in this very extreme and unusual case—and we have many patients that I take care of in hospital as well that are very extreme and unusual—should society pay for treatment for that individual or those few individuals? I think those sorts of decisions are not so much at the level of the committee; they need more societal involvement. A group like this should potentially be part of that as well.

Mr Tascona: I'll pass my time to Ms Scott, if I could.

Ms Laurie Scott (Haliburton-Victoria-Brock): Thank you for appearing here today. You are on the CDR and you're just going on the DQTC?

Dr Holbrook: No. I've already been on the DQTC for six years. It's just a reappointment.

Ms Scott: Sorry; I just wanted to clarify that.

Dr Holbrook: The CDR is the working group, so that's the in-house secretariat within CCOHTA that does the legwork. I'm on the expert advisory committee that makes the decision based on the information the CDR comes up with.

I don't know if you know, but Ontario is part of a big endeavour across the country that's part of the national pharmaceutical strategy to get together a Canadian formulary committee. So CDR is basically a collection of federal and provincial ministries.

Ms Scott: I'm just going to review: So drugs go through three phases at the clinical trials. Health Canada has a fast-track approval process and that allows the breakthrough drugs to be conditionally approved after phase 2 if they treat life-threatening conditions and no other treatment options exist. But the Common Drug Review has refused to endorse any of these medicines for drug plan use. The CDR says it can't evaluate a drug that has been fast-tracked.

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So it seems to be a bit of a Catch-22 situation. Health Canada acknowledges an urgent need for these medicines, but provincial governments are dragging their heels a bit with the help from the CDR. I know you addressed it a bit with Fabry's, but what do you think the DQTC can do to help patients with life-threatening diseases to get their hands on these medicines?

Dr Holbrook: I'll just remind you that Ontario's the most generous province in the country in terms of providing drugs, and that's probably as it should be. Alberta probably could be a bit more generous, by comparison of wealth.

The mandates are different. Health Canada is about, "Should this drug be on the market at all? Should it ever be available, other than investigative purposes, to Canadians?" The mandate's much more difficult after that.

I think it's relatively easy—and it's not easy, but it's relatively easy to say, "This drug is sufficiently effective and safe to be available to some people." Health Canada makes no arrangements to determine that those right people get that drug—so witness the withdrawals, including VIOXX, that you've seen. So we've got a big problem targeting drugs to the right patients.

The mandate then goes on to CDR, where CEDAC comes in, and then DQTC as well. Is this a drug that's sufficiently effective, sufficiently safe, and worth spending all of this money on for the public plan to pay?

Of course, in other countries where the public plan is not large, that doesn't matter a whole lot, but in Canada it matters a lot because so much of our health care is publicly funded.

I think it's the difference between, "There is a disease, there is a need for some therapy in this area," versus, "The public plan should pay for this drug because it meets very well accepted thresholds of cost-effectiveness."

To get back to your fast-track, if a drug comes to the market fast-tracked, then it comes to CEDAC fast-tracked. So it's not true that there's any sort of delay at the CEDAC level. In fact, CDR has very strict rules about how quickly they have to turn around drug decisions. The difficulty is that the drugs that are fast-tracked by Health Canada—for example, HIV drugs are virtually always fast-tracked, but there are actually many drugs to treat HIV.

In terms of cost-effectiveness, our opinion, that I can recall, has been that they're not sufficiently cost-effective compared to the drugs that are already available. I think that's the difference. It really hinges on the cost-effectiveness of the product.

Ms Scott: OK. Thank you.

There are three classes of approval in Ontario: general benefit, limited use, and those that are available under section 8.

The government now sends rejection letters, apparently, stating that certain medicines will not be available under section 8. So it suggests that patients can no longer be assured that their appeals will be considered for all drugs. You mentioned HIV and AIDS, and certainly cancer treatments fall into that. Is it your understanding that all drugs are still available to patients under section 8?

Dr Holbrook: There are very few products. You'd have to ask the drug programs. There is a very large section 8 part of the ministry. I neglected to follow up on that in your last question, too. So if a drug is not deemed cost-effective at all in any identifiable subgroup—because the identifiable subgroup gets the limited use status—then it goes to section 8 in Ontario.

Many provinces don't even have such a designation. So if it doesn't meet the formulary—and this is very common internationally. In Australia, the whole country is run like this. If it doesn't get on the formulary, it's not paid for at all by the public plan—so just to get back to Ontario being a very generous province.

Within the drug programs branch, there's an enormous effort made that if a letter is written that makes the case for this patient—it has to be by the physician who's treating the patient—and explains what the patient has already taken and why they need this particular product, it's very common for that drug to be funded in the individual case.

There are a few products we've evaluated at DQTC where it's very clear that there are usually at least a half-dozen other products. There's absolutely no reason to provide this additional drug. In other words, there's not a case that can be made that this patient has failed all the rest and would definitely respond to this drug. So there are a few cases where the drug is not provided at all, but I think those are really in a very small minority.

Ms Scott: So DQTC's role is in approving section 8, or should it be changed?

Dr Holbrook: No. There's a large formulary modernization undertaking going on right now. Part of it is to look at section 8 and what section 8 should really be providing, how the drugs should be evaluated once they're sent to section 8.

The Chair: Ms Horwath?

Ms Andrea Horwath (Hamilton East): Welcome, Dr Holbrook. It's certainly my pleasure to meet you, as somebody who is very accomplished in your short, brief CV here, particularly because a lot of your skills are benefiting my community of Hamilton and the health care facilities that I attend as a patient many times.

I want to ask you a little bit more, particularly in regard to the Ontario Medical Association. The previous questions talked about specific drugs and specific illnesses, diseases and conditions. I wanted to get a perspective from you on what your opinion is on the thing you mentioned in your opening remarks; that is, the escalating cost of prescription drugs within the cost of medical care—the cost for Ontario and of course across Canada. Particularly, do you have any feelings or opinions about whether Canadians or Ontarians are being overprescribed at this point in time, and if that's what's leading to these escalating costs?

Dr Holbrook: Actually, I think that's relatively small. At one time very early in my career it was kind of the mantra of clinical pharmacologists that there was a lot of overprescribing and polypharmacy—the prescribing of multiple drugs to patients is actually a bad thing. Unfortunately, the scenario has reversed entirely. It's probably more common that drugs are underprescribed. The difficulty is, if it's the eighth or ninth medicine that you need for your diabetes or vascular disease, can you actually take all those medicines effectively?

The huge problem now is having all these medicines that we know are effective and cost-effective actually taken by the patient. I think there's probably more underprescribing than overprescribing. There's probably overprescribing in a few areas, but if you look overall at what's important for the health care of people in Ontario, the important drug groups, you can show consistently that relatively there's underprescribing.

I think the cost overruns—by the way, I would encourage everyone to read Marcia Angell's book, The Truth About the Drug Companies, which I think is very good. There is a big problem with the pricing of pharmaceuticals right now. In my opinion the number one problem is the price.

Ms Horwath: Just for clarification's sake, when you were describing your position on that, are you saying that when there are a number of drugs a person has to take—for example, for a vascular situation that worsens over time—there are issues around how each drug may react to the others in this group of eight or nine drugs that a person is required to take?

Dr Holbrook: Yes. Typically that's not well studied. One of our latest research initiatives is a concept called prioritization. So of eight drugs that are very effective for diabetes, what should be the order of priority? We know patients probably don't take half the drugs they are prescribed, so it's a real problem figuring out how we can get this effective pharmacology applied to each patient so they get the maximum benefit; otherwise, that's another area of waste of resources.

Ms Horwath: In your work on generic and brand-name pharmaceuticals—you have your significant CV here and we took a little bit of time to look through some of the specifics, and you mentioned it yourself—can you expand a little bit about that particular project and some of the conclusions you came up with when you studied generic and brand-name pharmaceuticals?

Dr Holbrook: That particular project was quite limited; it was Warfarin. I don't know if you folks remember, but about four years ago, when generic Warfarin came out, there was quite a lot of noise in the press about how it couldn't possibly be as effective as the brand name.

There are a few drugs that we call narrow therapeutic index. What that means is that the threshold for risk is

very little above the threshold for benefit, so there's little room to move, and they tend to be drugs that require a lot of monitoring. Warfarin was always the standard in that group. So we used, if I say so myself, a rather elegant design, but a small number of patients, to show that the generic was as effective as brand-name Warfarin.

In general, generics are a very important group and a very important concept for Ontario—and this is international as well—to be able to save money after a drug has been on the market. I think probably our generics, when you look again internationally—there's room to move to make them somewhat less expensive than they are. In comparison with the US, they tend to be a bit higher initially, but generics have always been shown to be quite effective. In the US, you probably have been aware that there have been some scandals about particular brands of generics; they've been less than effective. Fortunately, we haven't had those troubles in Canada.

Ms Horwath: So it's fair to say that going more along the lines of generic drugs would be one of the ways to contain costs in the future?

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Dr Holbrook: Yes. I think there will continue to be movement around patents and how patents—there's a concept we call "evergreening," where the brand-name industry will do whatever it can, including changing the label or things that are fairly trivial, to keep the patent going, and I think there will be some legislative move around that, potentially, as well.

Ms Horwath: That's great. Those are my questions.

The Chair: To the government.

Mr Berardinetti: On behalf of the government, Dr Holbrook, I want to thank you for coming forward today and for your excellent presentation and qualifications.

The Chair: Are there any other comments or questions?

Mr David Zimmer (Willowdale): Yes. Just coming back to this point you touched on, what I would describe as the law of unintended consequences—so to take your example of the diabetes patient who has three, four, six or nine drug regimes, I suppose each one individually and considered separately has some beneficial effect, but the gestalt or the collective effect of it often leads to unintended consequences and additional drug costs and health care management and so on. Do you see any role for this body to develop any initiatives to deal with this law of unintended consequences?

Dr Holbrook: I don't know what the body's mandate is, but I basically think it's a huge area for research. My main advice would be to fund research. It hasn't been a priority for anybody. Typically these sorts of difficult areas are areas where clinical pharmacologists tend to work. It has become a major, major issue because vascular disease is, by far, the number one cause of death—I shouldn't say "by far," but it still is number one; cancer is second. In both of those major diseases now—and diabetes we just consider a vascular risk factor—polypharmacy is very common.

I wouldn't overstate that we know that multiple drugs are producing harm or causing adverse drug interactions. Actually, we see it relatively rarely, despite all the press you hear about drug interactions and their inclusion in medical-error scenarios. That's relatively uncommon, I think, but it's just that we don't know the additional benefit. We have lots of modelling that suggests that if you take all of these medicines, you actually lower, for example, in vascular disease, your risk by 85%, which is very impressive. But we don't actually know that that's the case based on good, high-quality randomized trial evidence.

I think what we hear on the street is that the trials are one thing, and our patients whom we see—I know, for example, that the average age of patients I see is 71, and that's in an acute care medical hospital—have great difficulty managing all these medicines: just remembering to take them all and keep them all straight, as to what they are and what they're for.

Mr Zimmer: What do you think should be the role of the pharmaceutical companies in assisting in those sorts of research projects or funding them?

Dr Holbrook: The pharmaceutical industry is obviously very active in funding research. It tends to be their own research. For someone like myself, for example, who has to be totally free of conflict of interest, it's of no help at all. So I can have no pharmaceutical industry funding, but a lot of my colleagues are funded in that regard. Actually, I think the industry is doing something very helpful in this regard. There's a concept called the "polypill." So they've begun to look at combinations of drugs, different families of drugs, within a single pill, and I think that's one way to go at it. That will help.

Mr Zimmer: Do you see any role in this for the body that you're about to join?

Dr Holbrook: And have been on—the DQTC.

Mr Zimmer: Sorry, I didn't hear you.

Dr Holbrook: I have been on, yes. Unfortunately, DQTC is not about funding research. I think the first thing that really needs to happen is some better understanding of whether more drugs—at some point, more drugs is probably not better; it may be, but it's probably not. But we just don't know what that is. Is it four drugs or 10 drugs or 20? It's very common for me to have patients on my service who take more than 20 medicines.

Mr Zimmer: I know you don't get involved in funding, but do you see a role for your body in identifying areas that should have some research done?

Dr Holbrook: Yes, and that does happen. That's relatively common. I must commend the province—and I'm not sure that the money actually came through provincial hands primarily—but the primary health care transition fund, for example, when David McCutcheon was the assistant deputy minister, funded a large number of very practical projects looking at issues like that. So the province has stepped up, and I think more could be done in that. But I think that's exactly right: The DQTC tends to be people who work on drug policy, and our clinicians as well, so they are very familiar with the

issues that face other clinicians and patients, and we often suggest research initiatives.

The Chair: Any other questions?

Mr Mario Sergio (York West): Does your committee get involved with gambling addictions at all?

Dr Holbrook: No. It's interesting you mention that, though. But that's another—it's my running life. I'm just dealing with gambling addictions, not the committee.

Mr Sergio: I see, the therapeutic part of your committee. So I was wondering what kind of therapy you would be able to offer.

Dr Holbrook: Well, it's an interesting area. I just gave grand rounds on alcohol, because I thought it was a perfect time of year to discuss the benefit-risk of alcohol.

Mr Sergio: Oh, I didn't think about that. I'm sorry.

Dr Holbrook: But gambling is somewhat similar. There are very few effective therapies for addiction. There is really a very small number and the drugs are not very effective for any kind of addiction.

The Chair: Dr Holbrook, a quick question for you. You mentioned a particular book on pricing, and an author.

Dr Holbrook: Yes, Marcia Angell. If you search Marcia Angell on the Web, you'll come up with this book on thousands of hits. It's called The Truth About the Drug Companies. It's a very good book.

The Chair: Thank you very much, and thank you for your service on the DQTC. As you probably heard, we'll be moving to concurrence votes when we're done with our presentation at 12:30, so around 1 pm or so.

LIAM McCREERY

Review of intended appointment, selected by third party: Liam McCreery, intended appointee as chair, Agricorp.

The Chair: The next intended appointee I would call forward is Liam McCreery. Mr McCreery is the intended appointee as the chair of Agricorp. Mr McCreery hails from Woodstock, Ontario. Welcome, sir, to our committee. You've been in the audience so you've seen how it functions. You have an opportunity to make a presentation on your qualifications and your interest in Agricorp, and then we'll do a round of questions, beginning with the third party. Mr McCreery, the floor is yours.

Mr Liam McCreery: Yes, I will make a presentation. Thank you for allowing me to present to this honourable group today. My name is Liam McCreery. I'll give you a brief background. I have a degree in economics from the University of Guelph, I have a graduate diploma in business administration from Wilfrid Laurier University and I've been farming in Oxford county since 1989.

I became involved in farm organizations about 12 years ago with the Ontario Soybean Growers at the provincial board of directors. Through my 11 years with that organization, I served as chair for two years and on the executive for six years. My major contribution to the organization was around safety nets and business risk management for producers in Ontario.

In Ontario, I've also served on the board of directors of the Guelph Food Technology Centre and I've been vice-chair of the Ontario Agricultural Commodity Council, the council that represents basically all non-supply-managed sectors in Ontario.

Nationally, I was president of a group called the Canadian Alliance of Agri-Food Exporters. I was able to successfully negotiate a merger with another group to form a group called CAFTA, the Canadian Agri-Food Trade Alliance. I'm currently president and chair of the Canadian Agri-Food Trade Alliance. This organization represents the majority of producers in Canada, as well as industries, from seed, feed and input suppliers to processors and exporters.

Internationally, I've been involved in groups in the United States, most notably the National Biodiesel Board and the American Soybean Association, and I've also been a participant in something called the International Oilseed Producer Dialogue, where I represented Canadian producers. So I have provincial, national and international experience on boards of directors.

I'm here today to talk about being chair of Agricorp. I am currently on the board of Agricorp. I was appointed by the minister back in October. I feel Agricorp has a vital role for producers in Ontario and I feel I have the necessary background to be an effective leader and team player as part of that organization.

Agricorp has some huge challenges in front of it right now. The government of Canada, the province of Ontario, the other nine provinces and the three territories have decided to change the way they handle safety nets and business risk management. We are at the beginning of a new generation of business risk management in Canada, and in Ontario Agricorp will play a vital role in implementing the plans put together by the province of Ontario and the government of Canada.

With that, I think that's enough of an introduction and I would entertain any questions you guys may have.

The Chair: Thank you, Mr McCreery. That leaves the round of questions with the third party.

Ms Horwath: Welcome, this morning. It's good to meet you. I wanted to start by asking you about a certain description that's been given to you in the past on some of your more political rather than professional activities. My understanding is that at times you've been monikered as a big-time pre-election McGuinty supporter. How would you respond to someone who said that you were a big-time pre-election Dalton McGuinty backer?

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Mr McCreery: I'd see a bit of humour in that because I do not belong to the Liberal Party.

Ms Horwath: So aside from this particular article here from Canada NewsWire of December 23, 2002, where McGuinty is quoted as saying, "That's why my plan has been endorsed by agricultural industry leaders such as"—a couple of other people—"and Liam McCreery, chair of Ontario Soybean Growers"—I'm sure

you know about that—I'm wondering if there are any other political endorsements or any other places where you were endorsing the government, currently or previous to the last election.

Mr McCreery: Actually, that's the first I've seen of that newswire, Ms Horwath.

Ms Horwath: OK. It's December 23, 2002.

Mr McCreery: In 2002?

Ms Horwath: That's right, before the last election.

Mr McCreery: I was not aware that my name was used to endorse the current Premier.

Ms Horwath: Now you know. That's quite interesting. So to your knowledge, you have no understanding of that having taken place in other forums, other articles or periodicals or anything like that?

Mr McCreery: In direct support of Premier McGuinty?

Ms Horwath: Yes.

Mr McCreery: No, I don't.

Ms Horwath: OK. Thank you.

Now I'm going to get more on to the specifics around Agricorp. In your application letter—and you referred to it a little bit, briefly, in your opening remarks—you made mention of the fact that you have a significant interest in strategic policy development as things start to change and move forward into the future in regard to business risk management and how Agricorp is going to morph, if you will, into the future. Could you elaborate for our committee what your vision is? What strategic development do you see happening, what strategic plan, for the future development of Agricorp?

Mr McCreery: For Agricorp, we are the group that implements the policies of the government, and we are on the cusp, the genesis, of a whole new set of safety net programs. I see our role as being able to facilitate the implementation of these programs. These programs are fundamentally different programs than farmers in Ontario and in Canada are used to. The communication aspect is going to be fundamental to being able to move these programs ahead. On a policy basis, I think everyone in the room would agree we are on the right track, but the policy is only effective if it's implemented properly. It's up to the government of Canada and the government of Ontario to make the tough policy decisions, and it's up to groups like Agricorp to make sure they are implemented properly.

I see, strategically, not only administering the program correctly but having amazing communication systems, not only with producers but between governments as well, while taking a leadership role not in developing but in helping implement the policies.

Ms Horwath: So achieving the buy-in that's necessary for the program to be accepted by all parties?

Mr McCreery: Achieving the buy-in, but it's even more than that. It's not just buy-in; it's understanding that this is a new set of programs and they are going to evolve. So it's not saying we're married to one set of programs. It's saying, "Here is the program as it is today. How can we make it better? How can we help facilitate evolving the program beyond today?" Because the program is going to change over the next couple of years.

Ms Horwath: Are there any particular changes that you would recommend or that you would like to see, on a personal note? Recognizing that it is the government's responsibility to create policy, what kind of recommendations would you bring forward? I know there has been some criticism currently about Ontario being out of sync in terms of the percentage of deposits required, based on Canada and other provinces. We're at 26%; others are at 22%. What specific things would you like to see as a farmer yourself, as someone who has been in the industry? Could you share that with us?

Mr McCreery: As a producer, over the last couple of years we've had a plethora of different programs called transition programs. The communication, to be frank, both at the provincial and federal levels, has been weak: what the transition payments are for and what the fundamental purposes of the new CAIS program are. It goes back to communication. The programs, as they evolve, are going to be more complicated than in the past, so they have to be consistent. Farmers have to understand why the programs are in place and what they are intended to do. So it really goes to communication.

Ms Horwath: When you say "consistant," do you mean consistant across Canada? Is that what you're suggesting?

Mr McCreery: Consistent, so producers understand that the CAIS program is the main pillar of safety net protection in Ontario. We understand that and were able to move ahead with that one program.

Ms Horwath: OK. Can I ask, then, specifically around soybean farming and the impact it's had particularly on dairy farming: You know there have been some shifts in terms of the move toward more soybean farming. Do you think that when there's a shift from one to another—for example, from soybean to dairy—that there should be some kind of compensation involved with that?

Mr McCreery: Are you talking about producers shifting industry?

Ms Horwath: Yes.

Mr McCreery: In terms of the CAIS program?

Ms Horwath: Yes.

Mr McCreery: I think the CAIS program is set up to reflect changes in margin, and if a producer is changing her or his operation and has a drop in their margin, they should be compensated. That's the idea of the program.

Ms Horwath: Regardless of the fact that they're changing industry?

Mr McCreery: Well, there has to be a mechanism in place because if you're changing industry, you should have a different set of margins.

Ms Horwath: Sure, OK.

Just one last question, since we're talking about agricultural issues overall—farming—what is your opinion of the position of agricultural workers in Ontario?

Mr McCreery: I really haven't taken time to think about their status. I understand there are some issues

around whether or not they can collectively bargain and things like that. But I haven't really looked at that file.

Ms Horwath: You have no opinion on that matter whatsoever?

Mr McCreery: No.

Ms Horwath: OK, thank you. Those are all my questions, Mr Chairman.

The Chair: To the government, Mr Berardinetti.

Mr Berardinetti: Mr McCreery, on behalf of the government, I want to thank you for your presentation here today. I would like, Mr Chairman, to waive the rest of our time so as to move on with the program today.

The Chair: Very good. Thank you very much, Mr Berardinetti. To the official opposition, Ms Scott.

Ms Scott: Thank you very much for appearing here today before us. Your background will certainly benefit the position that you've been considered for.

I come from the riding of Haliburton-Victoria-Brock, which has a big agricultural industry there, and it's in a crisis situation. We're trying to get some relief through the CAIS program and it's been very slow. As you said, communication certainly needs to be improved.

Do you see any way that we can get the payments to the farmers faster than it's going? I know it's a new program and not as many farmers from my riding as I had hoped applied for it, but I think it's because it was a little more complicated than what they were used to. I wondered if you had any ideas, having been on Agricorp, about expediting the process of payments to the farmers.

Mr McCreery: I understand there is a provision in CAIS for interim payments before the actual trigger happens. That's one possibility. I think, with any program, CAIS is designed to stabilize and, as we see with a huge disaster like BSE in Canada, maybe CAIS will need some supplement beyond just that one particular program.

It's very tough for your producers and my neighbours to wait for the payment. That's something the government should definitely be looking at, and Agricorp's role would be to implement it.

Ms Scott: Do you see them moving toward that right now? Agricorp took over December 1. We've had some briefings and I've been trying to get information out, which is somewhat difficult with the privacy laws, but we're just trying to get payments to the farmers before the banks foreclose. We've been waiting a long time now; this has gone on for 18 months. Do you know if there are any plans to expedite the process specifically?

Mr McCreery: I think there is a provision for interim payments; I'm not positive. I can look into it for you.

Ms Scott: That's fine.

The BSE crisis you mentioned: I always felt it should be separated from the CAIS program. Do you hear of any musings that possibly they would look at the BSE crisis as a separate issue? I know the border is to open in March, but that's just a first step.

Mr McCreery: Yes. Could you explain what you mean by "separated"?

Ms Scott: Should there be different funding? Should they have been separated—people who are affected more by BSE as opposed to the cash crops?

Mr McCreery: If you look at the current BSE funding that's in place, it is separate funding and new funding, not out of the CAIS account. Is that what you're asking?

Ms Scott: It doesn't seem to be enough, the funding that was there, yes, for the BSE. I just wondered; CAIS is all-encompassing, is it?

Mr McCreery: Yes.

Ms Scott: All commodities?

Mr McCreery: It depends what you mean by "separated," because if you're compensated for BSE under one program, do you think there should be an offset for your CAIS payment?

Ms Scott: I just don't think CAIS is encompassing the full loss that the farmers are feeling with the BSE crisis.

Mr McCreery: That's a—

Ms Scott: It's a big political question.

Mr McCreery: It is a political question, and I guess as a farmer I can answer it. BSE is devastating, and the government has responded, both levels of government, by having extra payments beyond CAIS. Both governments have announced BSE payments. As far as making them quicker, of course we want them to be as fast as possible and to be as fair as possible.

Ms Scott: OK. Thank you very much for being here today.

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Mr Tascona: I understand from your resumé that you're a cash crop farmer.

Mr McCreery: Yes.

Mr Tascona: Have you ever employed migrant workers?

Mr McCreery: No.

Mr Tascona: Do you have any opinion on the safety level that is provided for farm workers who operate large types of vehicles, tractors or others? Do you feel the safety levels in the industry are sufficient?

Mr McCreery: I have never looked at that file on farm worker safety. I apologize. I have a small farm and I do the work myself, so I can't offer you a meaningful opinion.

Mr Tascona: It's an issue. For example, I've been reading that in Florida they have issues with respect to safety for migrant workers and farm workers, especially in the cash crop areas, in terms of requirements to wear seat belts—or the lack thereof. So you haven't been privy to any of that information?

Mr McCreery: No, but on a personal level I can address it. I know my friends and neighbours who have larger operations are very wary and very careful of farm worker safety because, first of all, they're dealing with huge, expensive machinery that is computer-based. It takes a lot of training to drive a combine these days.

Mr Tascona: Yes.

Mr McCreery: It's not like picking fruit. You have to be computer literate and mechanically able. It's a huge job. But that's just a personal aside, not much use to—

Mr Tascona: Yes. Did they ever comment on the safety of the vehicles and the worker?

Mr McCreery: Again, from my personal example, my friends and neighbours are very careful, very aware of safety.

Mr Tascona: Those are all the questions I have.

The Chair: Great. Mr McCreery, as you probably heard, we move to concurrence—the votes—on the intended appointees just before 1 pm today, so you're invited to stick around. Thank you very much for your presentation, sir.

PETER GAVAN

Review of intended appointment, selected by official opposition party: Peter J. Gavan, intended appointee as member, North Bay Police Services Board.

The Chair: The next intended appointee is Peter J. Gavan. Mr Gavan joins us from North Bay, Ontario. He is an intended appointee as a member of the city of North Bay police services board.

Mr Gavan, welcome to the agencies committee. You're welcome to make a presentation about your qualifications and your interest in the intended appointment. Then we'll have questions from all three parties, beginning with the government first off. Sir, the floor is yours.

Mr Peter J. Gavan: Thank you very much, and happy new year.

Mr Chair and members of the standing committee, I'd like to thank you for this opportunity to appear before you here today. I do have a brief statement. The committee has already seen my CV, and I'd be pleased to expand any aspect of my background.

In this brief statement I'd like to cover three topics: my qualifications as they specifically apply to this appointment; how my proposed appointment came about; and a disclosure of my political activities.

To briefly review my qualifications, I have spent 32 years in education. I have spent all of my career in North Bay at St Joe's elementary school, St Joseph's College, a private girls' school, and St Joseph-Scollard Hall Secondary School.

In addition to my teaching and administrative duties over the years, I have also served as the district president of the Ontario English Catholic Teachers' Association. As president, I was involved in all labour and employee relations for OECTA. I have served on the provincial scene as co-chair of the curriculum development conference.

This past year, I was the national co-ordinator for Interchange on Canadian Studies. This was a national exchange of students sponsored by the federal and provincial governments and hosted by the Nipissing-Parry Sound Catholic District School Board.

My education experience has taught me the importance of being entrusted with our most precious resource: our children. Children and communities can never lose trust in their parents, teachers, doctors, nurses, politicians and police. These people must be trusted without question.

The other aspect of my experience that I'd like to discuss is a lifelong commitment to community: I have worked with and chaired our local and school board food drive for many years. I've been an active member of my faith community. I've coached volleyball teams locally and provincially for the last 25 years.

As an educator and president of OECTA, as well as in my community involvement, I've had a number of occasions to work closely with the local municipal police force. Those interactions revolved around matters where we sometimes have to involve the police in the educational scene: drugs, theft, child neglect, child abuse situations and alleged improprieties involving staff and students.

In reading Hansard, I noticed that prospective appointees are often asked how they came to be candidates for these appointments. In my case, I applied specifically for this position to the Public Appointments Secretariat. I knew there were vacancies and felt that with my experience and available time, I would serve my community by being a member of the North Bay Police Services Board.

I also note from Hansard that political affiliations have been of interest to members of the committee. I'd like to take a moment to fully disclose my political activities. I've been a member of the Nipissing provincial and federal Liberal parties for many years. I've contributed to them and raised money at both levels. I enjoy the political process. I feel it is an obligation of every citizen to be involved in the political process.

I believe that my skills and talents, combined with my training as an educator, would encourage me to fulfill my duties and responsibilities in a manner that would provide public confidence and pride, not only in the police services board but also in the police department in the city of North Bay.

Thank you very much for your time.

The Chair: Thank you, Mr Gavan, for your presentation. I'll welcome questions from the government.

Mr Berardinetti: Once again, Mr Gavan, on behalf of the government I want to thank you for your very informative presentation before this committee today. We would like to waive the remainder of our time in questioning, Mr Chairman.

The Chair: Thank you, sir. And to the official opposition.

Mr Tascona: Thank you for coming here today. Are you a current member of the provincial Liberal Party?

Mr Gavan: Yes, I am.

Mr Tascona: And are you a current member of the federal Liberal Party?

Mr Gavan: I am.

Mr Tascona: I take it you were involved in the recent provincial election in 2003.

Mr Gavan: I was.

Mr Tascona: In what capacity?

Mr Gavan: I was the campaign chair.

Mr Tascona: Were you the campaign chair for Liberal MPP Monique Smith?

Mr Gavan: I was.

Mr Tascona: OK. You were also, I understand, involved in the federal election in 2004.

Mr Gavan: I was involved in 2000 as campaign chair for Anthony Rota, the MP.

Mr Tascona: How did you hear about this appointment? Did you talk to Ms Smith about this?

Mr Gavan: No. I knew there were a couple of vacancies—again, it's not a large city—and I knew that, coming up, a couple of people would be leaving. Having retired and having the available time, I felt I would put my name forward.

Mr Tascona: You didn't talk to Monique Smith about this appointment at all?

Mr Gavan: No. Mary McDonald phoned me, and I was interviewed at that time. After that, yes, I probably would have spoken to her.

Mr Tascona: Did you write a letter, or how did you communicate with Mary McDonald?

Mr Gavan: I sent in an application form and a letter to the Public Appointments Secretariat, and she phoned me.

Mr Tascona: And then you got interviewed by her?

Mr Gavan: I did.

Mr Tascona: What happened next?

Mr Sergio: He's here.

Mr Gavan: Yes. I thought that was it, and then I was notified that I would appear here.

Mr Tascona: I'll just ask you some issues on the policing in North Bay, if I could, because it seems you're familiar with the policing in that community.

Mr Gavan: Yes.

Mr Tascona: Recently, the police chief indicated that North Bay would not be able to participate in the provincial community policing grant program unless the provincial share was increased from 50%. Do you believe it's important that North Bay participate in this program or do you feel it has enough police officers?

Mr Gavan: No, I believe it's important that they do participate. In reading the North Bay Nugget, if I remember the figure, it was $30,000 per officer. They were looking at a figure, with benefits and everything else, that was going to total $100,000. What they were looking at was maybe not being able to bring in new police officers but being able to sustain the force at the level they presently have.

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Mr Tascona: The option 4 traffic ticket program has been used in many communities, including North Bay, and in the city of Barrie, which I represent. North Bay received about $150,000 annually under the program, and the police chief said that cancelling option 4 would take away another important traffic safety tool. What are your feelings about the cancellation of the program?

Mr Gavan: Certainly, with budget restraints and population declining—there may be a lack of assessment—$150,000 goes a long way toward meeting the budget. I certainly would be in support of option 4. I know that the policy right now is to remove it, but in small communities and northern communities, that $150,000 in the budget would certainly go a long way toward maintaining the present situation that we have.

Mr Tascona: I think there's been talk about the North Bay racetrack having a casino operation.

Mr Gavan: Slots, I believe.

Mr Tascona: Yes. You're familiar with that?

Mr Gavan: Well, it's been in the newspaper. As far as being familiar with it—

Mr Tascona: Do you think that would be good for the community from a policing point of view? Do you have any thoughts about whether that's something that would benefit the community?

Mr Gavan: I'm not quite sure. I know there has been lots of publicity about casinos and racetracks. It would probably, no question, be another thing the police department and the police services board have to look at—there could be added costs in dealing with instances that might arise from it. I haven't given that one much thought.

Mr Tascona: I have no further questions.

The Chair: The third party. Ms Horwath.

Ms Horwath: Thanks, Mr Chairman. I'm going to ask a couple of questions following up on Mr Tascona's questions about your political activity, just to make it clear. You're currently active politically with riding associations in your riding?

Mr Gavan: Such as?

Ms Horwath: Are you a member of your provincial or federal riding association or are you on an executive or anything like that?

Mr Gavan: No. I resigned from the executive of the provincial riding association. I still am a member of the executive at the federal level. I participate in picnics and whatever other things—

Ms Horwath: Fundraisers.

Mr Gavan: Yes, fundraisers. You know, whatever MPPs or MPs get involved in, I'd be there.

Ms Horwath: Sure. And it's your intent to continue to be politically active with the Liberal Party?

Mr Gavan: Well, I don't see any reason, what conflict there would be as far as being politically involved. I think it's part of the process.

Ms Horwath: Following on that, what would your opinion be of police officers, particularly, participating in partisan political activities and endorsing candidates and that kind of thing?

Mr Gavan: Having police officers endorse candidates?

Ms Horwath: Uh-huh.

Mr Gavan: No. No way.

Ms Horwath: You don't think that's appropriate?

Mr Gavan: No, I don't.

Ms Horwath: So for a member of the police services board, it's OK, but not for police officers?

Mr Gavan: Well, when you're looking at an officer sworn to uphold the law, I believe being non-partisan is

the rule. As far as my involvement in the political process and political parties, I see that I'm setting priorities and objectives for the police department. For a police chief or a police officer to become political, I don't see that as appropriate.

Ms Horwath: OK. Can I ask a little bit about your particular experience in the criminal justice system? I don't recall seeing a lot of that. Did you want to expand on that a little bit, if you have any particular experience in that vein?

Mr Gavan: My only experience would be from an educational point of view. I was a co-op teacher. I have placed students to work at the police department and had a student working at the courthouse with the crown attorney at one time. I would have been involved with the police in different instances with students and also with adults as president of the teachers' federation.

I think my educational background—you know, I've been involved with the police in activities where they would have a ball tournament with students. I believe it's so important for the police to be involved in crime prevention, to be visible and for young people to be able to approach them. The North Bay Police Service has done an excellent job. They're very visible; they're in the schools. So my experience would be in an educational setting.

Ms Horwath: I have a question about the issue of public complaints. I'm sure you're aware that there have been changes in the way that public complaints are handled post-1997. In fact, there's some controversy on both sides of the issue. Some people are saying that the current system is nothing more than police investigating themselves when there's a complaint. Others say that if you have a civilian oversight system, you're in a position where police are intimidated to do their job on the front line and might not make certain decisions for fear of being criticized or having a complaint issued against them. Could you give me some of your opinions on that particular issue and where you see things at this point?

Mr Gavan: I believe it's under review right now and that Justice LeSage is bringing forward a report on that.

As an educator, I know there was some concern that as teachers we were governing ourselves. The Ontario College of Teachers has since been instituted. There were lots of fears about that particular body, some legitimate. Teachers were afraid of what was going to happen in performing their duties in the classroom and that they would be brought before a review board.

I think it's been a positive thing. There have been revisions to it. There are appointed people, and there are people who are elected from the association. I think that somewhere down the line there needs to be a body so that public confidence—there has to be something that's transparent, that people are confident that the officers who are out on the streets are performing their duty and are not being the judge and jury for themselves. I think, in the end, they want that also.

Ms Horwath: If I could ask one last question, what would you say would be the major issue in terms of policing in your community?

Mr Gavan: It's to be able to make the budget—I think there will be certain budget restraints. I also see that there has been an increase in the reported number of assaults and sexual abuse charges. That, I think, has come about for varied reasons. One, the police department has done a great job, and I think letting families know that there are bodies out there that will support them—you know, the crisis centre—and if something is happening at home, you can get out of that situation.

Having been in education with zero tolerance—you know, you might happen to be standing there and all of a sudden there is a fight and someone hits you. There is zero tolerance. Those assaults are reported, so there's an increase. But I think it's a good increase, if I may say, because—

Ms Horwath: It's reporting rather than incidents, is what you're saying.

Mr Gavan: That's right.

Ms Horwath: Thank you.

The Chair: Mr Tascona has asked, through the Chair, an additional question for our intended appointee. It's a deviation from standard procedure. I'll ask that we stay within standard procedure, if members of the committee are OK with this exception at this point in time. Mr Tascona?

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Interjection.

The Chair: The procedure we've always used, since at least my time in the chair, is that each party has one third of the time. If they use it up, then we move on; if they don't use it up, I consider their questions closed. I'd like to continue to follow that.

Mr Tascona: I may have more than one question. I don't want to limit it to one, but I'll put it in a broad spectrum.

The Chair: You have two minutes.

Mr Tascona: I take it you retired from teaching in 2002?

Mr Gavan: Correct.

Mr Tascona: And you were actively involved in the 1999 election for the Liberals?

Mr Gavan: The 1999 election would be—

Mr Tascona: The provincial election of 1999.

Mr Gavan: Would that be the by-election?

Mr Tascona: No, the actual provincial election of 1999.

Mr Gavan: Yes.

Mr Tascona: You were actively involved?

Mr Gavan: Yes.

Mr Tascona: You were president-elect from 1998 to 2002?

Mr Gavan: I was.

Mr Tascona: Your comments with respect to Ms Horwath's questions on police involvement in provincial elections: How can you reconcile that for teachers' versus police officers' involvement? It seems inconsistent to me that teachers could be involved and yet police officers couldn't be, based on your answers. How do you reconcile that?

Mr Gavan: As far as the federation?

Mr Tascona: No; as far as being involved in the political process of an election.

Mr Gavan: Are you asking me, should teachers be allowed to—

Mr Tascona: They are involved, and yet your comments—you were actively involved, yet you said police officers shouldn't be involved.

Mr Gavan: I did.

Mr Tascona: So how do you reconcile that?

Mr Gavan: I believe that police officers are upholding the law. They are in a position of responsibility where they have sworn an oath, and I don't see them taking one side or another. It's a law enforcement officer. As far as education, I don't see us being law enforcement officers.

Mr Tascona: I don't get the distinction. I think whether you're a union member, one way or the other, you should have a right to participate in the process. I understand your views, but I don't agree with them.

The Chair: Mr Gavan, thank you very much for your presentation. As you've heard, we'll move to concurrence after the next intended appointee, so you're welcome to stay and enjoy the show.

Mr Gavan: Thank you very much.

PIERRE BÉLANGER

Review of intended appointment, selected by third party: Pierre Bélanger, intended appointee as member, Ontario Educational Communications Authority (TVO).

The Chair: Our next intended appointee is Pierre Bélanger. Monsieur Bélanger joins us from right here in the city of Toronto. He has provided us with his CV as well. Monsieur Bélanger is an intended appointee as a member of the Ontario Educational Communications Authority, aka TVO.

Monsieur Bélanger, welcome. You have an opportunity to make a presentation about your interest in the position and your qualifications, and then we'll have a series of questions beginning with the official opposition. The floor is yours.

Mr Pierre Bélanger: Thank you. I do have a statement.

Mr Chairman, members of the committee, je voudrais tout d'abord vous remercier de me fournir l'occasion d'exposer aujourd'hui mes motivations et qualifications pour siéger au conseil d'administration de TVO.

As you might have seen in my resumé, the appointment for which I'm considered today offers me the opportunity to serve one of my very first professional employers. Back in 1989, when I was working on my doctorate in educational technology, I was invited by the Ministry of Education of Ontario to oversee the French adaptation of a textbook on media literacy that became known under the label La compétence médiatique in the secondary level French-language schools of the province. Because of the saliency of this textbook in the early days of media convergence, over the following six years I was twice commissioned by TFO to supervise the research material that went into the production of two 15-program series. The first one, in 1989, dealt with media literacy, while the second one, produced and aired in 1995-96, focused on the appropriation of new information and communication technologies in people's everyday lives.

Today I feel privileged to be given the opportunity to once again contribute to the fulfillment of TVO's mandate, albeit in a different capacity.

My formal academic training is in communications. I'm one of the rare scholars of my generation to have been entirely educated in communications in Canada. As such, I'd like to think that I bring to this appointment a definite awareness of, and sensitivity to, issues pertaining to educational broadcasting aimed at linguistic minorities.

Over the last 15 years, I've been a professor in the department of communication at the University of Ottawa. During this time I've had the opportunity to work not only with the Ontario Ministry of Education but also with that of British Columbia, Saskatchewan, la Division scolaire franco-manitobaine and New Brunswick. In addition, over the last year I have participated in the working group set up by madame Dyane Adam, commissioner of official languages, to reflect on how new technologies can help the federal government achieve its goal of doubling the number of young Canadians fluent in our country's two official languages.

Between 1998 and 2001, I took a leave of absence from my position of professor at the University of Ottawa to work at la Société Radio-Canada, first as head of strategic planning, then as director of new media, and over the last year of my tenure, as chief adviser, new media development. This decision was a pivotal move in my career. While at Radio-Canada, I developed a network of provincial Web sites intended to serve as portals for the various French-speaking communities across Canada. Not only was I immersed in the implementation of a national new media strategy but, more importantly, Radio-Canada made me appreciate the indispensable role that public broadcasting plays in our society, especially in the era of media mergers and globalization.

As a senior member of CBC Radio-Canada's management, I also had the opportunity to represent the corporation at three CRTC hearings. This provided me with first-hand experience of the complexity of the public broadcasting institution, which not only operates in two media—radio and television—but which is also mandated to offer a variety of services in two languages. Those hearings helped me acquire a deep understanding of Canada's Broadcasting Act and the set of regulatory procedures that are involved in its application.

I believe that I bring to the appointment under consideration a wealth of academic, educational, strategic and professional broadcasting experience that can contribute to the development and promotion of TVO/TFO. As my resumé and publication record illustrate, I am driven by a strong understanding of, passion for and faith in the public interest in the broadcasting arenas. I look forward to your favourable consideration of my

appointment and I thank you for giving me the opportunity to present my credentials. I will gladly answer any questions members of the committee might have.

The Chair: Mr Bélanger, thank you very much for your presentation, and we'll begin with the official opposition.

Ms Scott: Thank you very much for appearing here before us today and for your impressive resumé. Last December, Minister Chambers indicated that the Liberal government might be looking at private sector investment for TVO. Does this concern you, and do you have any more comments to add as to why?

Mr Bélanger: Yes, it does concern me. I've been a strong proponent and supporter of public broadcasting. Over the last seven years, I think the core of my academic and research activities has been advocating the virtues of public broadcasting. So I think I would need to be convinced today of the tangible benefits that privatization would bring to an institution such as TVO, and TFO for that matter.

Ms Scott: A recent message was also sent by the Liberal government that TVO cannot be considered to be all that supportive. Madeleine Meilleur has confirmed that in 2005 TVO would receive a budget cut of $2 million, and $1 million for TFO. First of all, that seems discriminatory. Maybe you could comment about those possible cuts that might be in place.

Mr Bélanger: I always see it as bad news when public services get chopped, by definition. Unfortunately, that seems to be the prerogative of the government. Obviously, they can do whatever they wish to do with TVO. I think this will obviously force the organization to revisit some of its mandate and look for alternative sources of funding. I understand that sales have been going down over the last few years. Sponsorship might obviously be one avenue. Increasing membership might also be another area to consider at this point, to compensate for the loss in revenues.

Ms Scott: Are there any other places where you think cuts might be made?

Mr Bélanger: Might be made?

Ms Scott: Or will be made.

Mr Bélanger: Well, I hope that will be the end of it at this point in time. I understand it will be $2 million for TVO and $1 million for TFO, but we'll wait for the cuts to be confirmed and implemented into the next budget.

Ms Scott: So there's no specific programming or anything that you could see where these cuts are going to take place.

Mr Bélanger: I think it would be premature at this point on my part to say exactly where the cuts should be applied. I'd need to get more acquainted with the various files that TVO and TFO are involved in and probably take it from there.

Ms Scott: How do you feel about the current programming mix that exists now?

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Mr Bélanger: Because of the very mandate of the institution, I'm one of those viewers who feel relatively satisfied. I particularly appreciate the film in the evenings. My kids watch a lot of the programs, mostly during the day on weekends and stuff.

Ms Scott: Thank you very much. Mr Tascona?

Mr Tascona: Thanks very much for coming here today. As you are aware, the federal Broadcasting Act mandates the CRTC to establish the conditions with which broadcasters must comply if they wish to access the country's airwaves. You're aware of that and you've got some experience, obviously, throughout the industry.

In terms of media concentration in this country, obviously TVO plays a significant role in terms of what its mandate is; the CRTC does have a role also. I'm aware that the Fox TV network has now come to Canada. Do you have any thoughts on that?

Mr Bélanger: Well, yes. I mostly have thoughts on why some other channels weren't allowed to come into Canada. I'm specifically interested in the Italian public broadcasting services that were turned down by the federal government.

Mr Sergio: It's coming now.

Mr Bélanger: It's coming now? Thank you.

Mr Sergio: When, I don't know.

Mr Bélanger: As for Fox specifically, I think this is the prerogative of the CRTC. It's one additional channel that's being made available. I simply regret that some other channels didn't get the same advantage.

Mr Tascona: How do you view that? The CBC has its role. You've worked for the CBC. The particular concentration that we have in the media is certainly a significantly small concentration in terms of the public broadcasters and the people who do own the other TV stations. Where do you think that's taken us in terms of the role of the CRTC and what people have to listen to?

Mr Bélanger: As an academic and as a citizen, I think it's my role to advocate the value and virtues of public broadcasting. It's been one of my chief battles over the last seven or eight years. I think I've been convinced and converted to public broadcasting ever since I started working for the CBC, and I've been carrying this torch ever since.

I'm obviously troubled by this notion of concentration, and I think this speaks of the importance of an alternative. I think public broadcasting represents one of those, and probably the chief alternative to media concentration, because it doesn't have any private interests, obviously.

Mr Tascona: Bearing in mind how the Liberal government has treated TVO in terms of its budget and TFO recently in terms of the budget cuts, do you think TFO, in terms of protecting French-language rights, should be separated from TVO in terms of being able to operate as an entity unto its own?

Mr Bélanger: This is the kind of question that I would feel more comfortable answering a few months from now, once I have a better understanding of all of the ramifications of such a move. At this point in time I'll say that I feel satisfied by the will of the government to increase the French representation on the board. I think

this will allow a better representation on the four various committees that exist at TVO/TFO.

Whether this is a desirable move, to have TFO as an independent governance body, I think if we follow the example of the education system and the way the various French school systems and school boards have been administered, it would be a logical and natural development down the line to consider seriously such a possibility.

Mr Tascona: Are you aware that Minister Sorbara is making an announcement at 1:30 pm today with respect to an upcoming asset review?

Mr Bélanger: No, I'm not.

Mr Tascona: Do you know whether the TVO people are concerned about this?

Mr Bélanger: I would think they would be.

Mr Tascona: OK. Thank you.

The Chair: To the third party and Ms Horwath.

Ms Horwath: I wanted to actually ask you to explain to us a little bit more your opinion of public broadcasting generally. I heard some of your passion when you were talking about the privatization issue. I just want to know, in general, how you feel about public broadcasting, and then, what would be your opinion of groups that rally to support public broadcasting, like Friends of Public Broadcasting and things like that? Do you see them as an opportunity for more revenue generation, for example, and things like that?

Mr Bélanger: Specifically for TVO?

Ms Horwath: Yes.

Mr Bélanger: It certainly would be an asset for TVO to have such a vocal support group. It certainly wouldn't hurt its cause—and correct me if I'm not getting your question straight. In my view, the fact that the CBC and TVO exist is one of the basic characteristics of the Canadian broadcasting system—this mix of private and public institutions—and I think this is something we should strive to protect and reinforce as much as possible because it plays a vital role in the democratic arenas of society.

Ms Horwath: Just to expand on that, what do you see as the major role of TVO/TFO and public broadcasting?

Mr Bélanger: To offer an alternative. This notion of "commercial-free" is in itself a very definite distinguishing factor from the private broadcasters. I think the fact that a lot of its programming is directly aligned to the school curriculum is something to be celebrated.

Ms Horwath: I know that the previous questions were talking a little bit about future budget cuts and what's coming down the road potentially. Do you have any understanding of the history of budget cuts to TVO/TFO in the past?

Mr Bélanger: Well, I presume this is not the first time. I'm not intimately familiar with the financing of TVO/TFO from a historical standpoint.

Ms Horwath: But I gather from your comments that you would like to see that trend reversed.

Mr Bélanger: Yes, definitely. I'm a strong supporter of public broadcasting, and I clearly hope these are the last cuts that will be applied to TVO/TFO.

Ms Horwath: What do you see as your particular role upon your appointment? What kind of input do you think you can provide that would ensure the sustainability of TVO/TFO? What do you see as the keys to its enduring success in the future?

Mr Bélanger: Because of my acquaintance with the education system in the province; the fact that I'm very familiar with one of its target audiences, ie, the college and university-level population; and the fact that I've got a fairly good understanding of new technologies, in terms of the Independent Learning Centre and distance education programs, I think I can contribute to the thinking going forward.

Ms Horwath: No further comments.

The Chair: To the government.

Mr Berardinetti: Mr Bélanger, on behalf of the government, I want to thank you for your presentation today before this committee and for your application.

Mr Chairman, I'd like to waive the rest of our time.

The Chair: Very good. Mr Bélanger, thank you very much for your presentation. We will now move to our concurrences. You're welcome to stay for that portion.

I think we had agreed at the beginning of this particular session of the agencies committee to do the first four concurrence votes before we recess.

We will now consider the intended appointment of Dr Anne M. Holbrook, intended appointee as member, Drug Quality and Therapeutics Committee.

Mr Berardinetti moves concurrence?

Mr Berardinetti: Yes, Mr Chairman.

The Chair: Any discussion of Dr Holbrook's qualifications or intended appointment?

Mr Tascona: I'll second it.

The Chair: Any other discussion? A third from Ms Horwath?

Ms Horwath: Yes, I'll third.

The Chair: All in favour of Dr Holbrook's appointment? Any in opposition? The motion is carried.

We will now consider the intended appointment of Liam McCreery, intended appointee as chair, Agricorp.

Mr Berardinetti, you move concurrence?

Mr Berardinetti: Yes.

The Chair: Mr Berardinetti moves concurrence. Any discussion of the intended appointment?

Mr Tascona: I'll second it.

The Chair: Thank you, Mr Tascona. Any further discussion? Seeing none, all in favour? Any opposed? The motion is carried.

We will now consider the intended appointment of Peter J. Gavan. Mr Gavan is an intended appointee as member, North Bay Police Services Board.

Mr Berardinetti: I move concurrence.

The Chair: Any discussion?

Mr Tascona: Yes, I'd like to discuss this appointment.

The Chair: Mr Tascona, you have the floor.

Mr Tascona: I won't be supporting this appointment. I think it's purely a political appointment. He was the campaign manager for MPP Monique Smith, who is

curiously absent here today—because it's the first one from this committee that she has missed that I'm aware of. He also has some views with respect to the election process of police officers, which I certainly find curiously inconsistent and troubling in terms of his attitude toward police and their participation in the election process. Be that as it may, certainly his history with the Liberal Party is more than obvious in terms of being a campaign manager for the last federal election and also this one.

I'm not in support of this. This is about as political as it gets.

The Chair: Mr Berardinetti, a comment?

Mr Berardinetti: With all due respect to Mr Tascona, I don't think it's appropriate to mention the absence or presence of any members. We are in a break period right now. The House is not sitting. A number of members are out of town or are sitting on more than one committee. I don't know myself, personally, where the member from North Bay is, but if there's any curiosity as to her absence—others are away for other reasons as well.

As far as this appointment goes, he's clearly qualified for the appointment. On the issue of whether or not he wants to back a particular party or a candidate, we've had this issue come up before, and I think members have commented that as long as a person is qualified, then that person should be considered, whether or not they are a member of the Liberal Party or a member of the other parties. Not everyone here today is a member of the Liberal Party. We have people applying from other political backgrounds, or no political backgrounds.

I certainly support the selection and appointment of Mr Peter Gavan to the city of North Bay Police Services Board.

The Chair: Thank you, Mr Berardinetti, for the comment. Ms Horwath?

Ms Horwath: My concern wasn't so much the obvious political participation of this particular intended appointee with regard to his support of the Liberal Party, but rather his belief that others shouldn't have the freedom of that same type of participation. I find that a little bit disconcerting, particularly in a position of power such as the police services board. It's very disconcerting. When you couple that with the fact that this particular intended appointee has no experience whatsoever in the criminal justice system, and admitted that in his own comments, then I have some concerns. So I too will not be supporting this particular appointment.

The Chair: Further comment from any other members of the committee?

Mr Tascona: I would just add that he seems to be of the view that he can continue his active political involvement. I find that inconsistent with respect to the role of a police services board member in terms of what's going on. Those are all my comments.

The Chair: Seeing no further comment, we will now proceed to the vote on the motion with respect to Mr Gavan.

Mr Tascona: Recorded vote.

Ayes

Berardinetti, Gravelle, Jeffrey, Sergio, Zimmer.

Nays

Horwath, Scott, Tascona.

The Chair: Seeing a preponderance of votes in favour, the motion is carried for Mr Gavan.

We will now consider the intended appointment of Pierre Bélanger, intended appointee as member of the Ontario Educational Communications Authority (TVO).

Mr Berardinetti: I move concurrence.

The Chair: Mr Berardinetti moves concurrence. Any discussion concerning Monsieur Bélanger's intended appointment?

Mr Tascona: I'd like to say that I find him very qualified. I think his views are well taken with respect to what role French-language rights should have with respect to the broadcasting arm of the provincial government. I think he'll serve well, and I support him.

The Chair: Any further comment from members of the committee? Seeing none, I'll proceed to the vote. All those in favour of Monsieur Bélanger's intended appointment? Any opposed? Seeing none, it is carried. Monsieur Bélanger, congratulations, and thank you for sticking with us this afternoon.

Folks, we have now been through our first four intended appointments. I remind members that we are resuming discussion at 3 pm today in this committee room. The committee now is in recess until 3 this afternoon.

The committee recessed from 1234 to 1502.

The Chair: Thank you, folks, members of the committee. We're calling the government agencies committee back into session. We have four more intended appointees to deal with this afternoon. I think we'll follow the same procedure, where we'll move to concurrence after the four have completed their presentations.

DIANE DESAULNIERS

Review of intended appointment, selected by official opposition party and third party: Diane Desaulniers, intended appointee as member, Ontario Educational Communications Authority (TVO).

The Chair: Our first is Diane Desaulniers. Madame Desaulniers, welcome to our committee. Please make yourself comfortable.

Madame Desaulniers is an intended appointee as a member of the Ontario Educational Communications Authority, aka TVO.

Ms Diane Desaulniers: And TFO.

Le Président: Et TFO, oui.

Madame Desaulniers, you have an opportunity to make a presentation about your interest in the board, your experience and background, and then we'll have questions from the members, beginning with Ms Horwath of

the third party. The floor is yours. I remind members too that translation services are available with your handy translation gadget.

M^me^ Desaulniers: Monsieur le Président, membres du comité, if I may, I would like to make my opening statement in French and then take questions and answers in English. Would that work for you?

The Chair: Very good.

M^me^ Desaulniers: Merveilleux. Everybody has their little doohickeys? Great.

Monsieur le Président, mesdames et messieurs membres du comité permanent des organismes gouvernementaux, merci de m'accorder la possibilité de vous présenter ce qui me motive à vouloir siéger au conseil d'administration de TVO/TFO et, également, à la fin de ma présentation, répondre à vos questions.

C'est la première fois que je viens dans cet édifice. Alors, je le trouve absolument superbe. Vous êtes chanceux d'avoir un endroit pareil comme lieu de travail.

Dans un premier temps, nous sommes à l'ère des communications et dans l'industrie du savoir, dans l'économie du savoir. Donc, il va sans dire que le fait de siéger au conseil d'administration de TVO/TFO est particulièrement palpitant pour moi, et voici ce que je peux y apporter.

Dans un premier temps, je regarde régulièrement TFO. Je peux vous assurer que l'émission Panorama est un véhicule extrêmement important pour la communauté francophone de l'Ontario, car c'est la seule télévision qui nous ressemble et qui nous rassemble. Je regarde également TVO. Ce sont deux bijoux à la disposition du gouvernement.

Également, j'apporte une perspective quasi provinciale. Je suis née à Kirkland Lake, j'ai grandi à Sudbury, je demeure maintenant à Ottawa, et mon neveu préféré demeure à Toronto. Je suis également impliquée dans plusieurs organisations provinciales, ce qui me permet de rencontrer différentes personnes de différentes régions.

Comme une grande partie des résidents de la région de la capitale nationale, j'ai servi la Couronne de manière loyale pendant une vingtaine d'années. J'ai travaill dans huit ministères fédéraux. J'ai quitté la fonction publique en 1995 pour lancer ma petite entreprise d'experte-conseil en ressources humaines en leadership.

J'ai d'ailleurs publié un deuxième livre au printemps dernier à l'intention des jeunes qui arrivent sur le marché du travail, à l'intention des gestionnaires et ceux qui veulent le devenir éventuellement. Donc, je fais bientôt 10 ans en affaires. Ça veut dire que je ne ferai pas partie des statistiques des entreprises qui finissent tristement.

J'apporte également une expérience considérable à siéger au conseil d'administration depuis que je suis à l'école secondaire. J'étais au conseil étudiant, et ça fait plus de 30 ans que je siège soit comme membre ou présidente de différentes organisations. J'aimerais vous présenter quelques réalisations dont je suis particulièrement fière.

J'ai été présidente du Regroupement des gens d'affaires de la Capitale nationale, le RGA, qui est l'équivalent de la Greater Ottawa Chamber of Commerce, version francophone. Dans les réalisations, j'ai augmenté le membership des gens d'affaires. On a positionné l'organisation comme le lien de la communauté des affaires entre l'Ontario et le Québec. Ottawa étant une région frontalière, donc on doit se positionner. On a une grande région économique, et plusieurs personnes considèrent que le recrutement des gens d'affaires est un chef de file des gens d'affaires.

En 2001, le RGA a utilisé les Jeux de la Francophonie pour lancer une campagne—Ici notre bilinguisme vous sourit. Here our bilingualism smiles at you—en partenariat avec les associations de gens d'affaires et les zones d'améliorations commerciales. Ce fut un succès retentissant du point de vue des médias locaux et également nationaux.

J'ai été coprésidente du Comité des citoyens sur la gestion publique dans Ottawa-Carleton. Ce comité avait le mandat de regarder à différentes formules de gestion, voir si on restait une municipalité régionale et 12 villes. Le comité a décidé de se saborder à cause de l'interférence des politiciens, des maires et des conseillers.

Je suis présentement membre du conseil d'administration de la caisse populaire Trillium. Je préside le comité de vérification. Le travail du comité, en partenariat avec la direction générale, a permis d'économiser plus de 50 000 $ par année, d'économies au niveau de police d'assurances, parce qu'on a une meilleure gouvernance et donc les risques sont plus petits.

J'ai siégé au Partenariat économique Ottawa, the Ottawa Partnership, qui était présidé par le maire Bob Chiarelli et également Rod Bryden, que je considère—je vénère cette personne et je le considère un peu comme un mentor. On avait comme mandat d'établir le plan maître de développement économique pour la nouvelle ville d'Ottawa.

En outre, pendant trois ans, j'ai animé l'émission Projet PME à la télévision communautaire Rogers. C'était un partenariat avec le recrutement des gens d'affaires. On présentait à chaque semaine deux petites entreprises membres du RGA.

1510

Donc, ces expériences ainsi que les années m'ont appris qu'il faut séparer clairement le rôle du conseil d'administration et celui de la direction générale afin d'éviter de faire de la microgestion. Il faut également que les membres d'un conseil d'administration fonctionnent comme une équipe et voient à établir le plus de partenariats possibles avec les parties intéressées et intéressantes lorsque c'est pertinent de le faire.

Je mentionnais au début de ma présentation que nous sommes à l'ère des communications et dans l'économie du savoir. Il va sans dire que siéger à ce conseil d'administration est intéressant. Je tiens d'une part à contribuer à ma communauté. Pour moi, ça serait une courte apprentissage qui serait sans doute intéressante, et puis je pense que c'est un moyen d'y avoir du plaisir.

Monsieur le Président, mesdames et messieurs membres du comité, vous voudrez savoir également que

j'ai été membre en règle du Parti libéral. J'ai participé à des activités de prélèvement de fonds pour John Baird. J'ai travaillé à la campagne d'Evelyn Gigantes il y a plusieurs années. J'ai participé au Premier's dinner quand M. Harris et M. Eves étaient là. J'ai assisté au Trillium dinner avec M. McGuinty.

Maintenant, je suis prête à répondre à vos questions.

The Chair: Thank you very much. Merci. That was a very extensive, enthusiastic presentation. As I mentioned, we begin any questions with the third party.

Ms Horwath: Thank you for coming forward this afternoon. It's really important that so many francophone people have come forward, particularly at this time in the ongoing history of TVO/TFO.

You talked quite extensively about your background and the various boards you've been on, the various community activities you've undertaken and your work in both public and private sector initiatives. Could you maybe bridge the gap and tell me particularly the kinds of things those experiences gave you that you can give to the board of TVO/TFO?

Ms Desaulniers: From what I hear, one of the challenges that the organizations will have will be to refine, maybe, their governance, because with the budget cuts, that means you have to look at the way you do business. One of the last things I did as a public servant were the program review in 1995 to look at whether we are doing the right things in the best way possible. My experience, from working with a variety of clients and as a small business, is that you need to be able to look at things differently. Challenging the status quo is one of the things I do very well, to the detriment of some of my colleagues. I can easily see all the facets of an element. So, are there partners we can go get? That might be useful at this time.

Ms Horwath: Excellent. Can I ask what your opinion is of public broadcasting generally and, as well, of various groups that have been established to provide advocacy or help with public broadcasting facilities?

Ms Desaulniers: I think public broadcasting is a very important tool. There are enough private stations contributing to the downsizing of Ontario. I feel that a public broadcaster also has a responsibility, in its mandate of education, to raise that bar a bit for people. The challenge is to make sure that the taxpayers feel they're getting their money's worth. That is also a part of things to consider.

Ms Horwath: So, then, what would you say is the particular role of TVO/TFO in our Ontario market?

Ms Desaulniers: To almost be a beacon of quality in broadcasting. One of the advantages of having a small business and working from home is that sometimes for my union break, I'll zap and—I shouldn't be telling you this—one of the shows I enjoy in the afternoon is Dora the Explorer. I find that it's good television. When I watch TFO, there are some very good shows.

I have a sister who's a teacher in Sudbury, and when she comes to Ottawa, she goes and gets some of the products that she saw on TFO. Because of the sheer territory of the province covered, those are tools that are very important to unify the community.

Ms Horwath: I'm going to switch track a little bit. What's your opinion of the idea of privatization of part or all of TFO/TVO?

Ms Desaulniers: I could not cheer for something like that. As I mentioned, there are enough organizations or private chains that contribute to the downsizing of Ontario and, from what I have seen so far of both TVO and TFO, they have quality. A lot of francophone teachers look at TFO as their main source of resources to teach the children.

I even read in the documents—I'm not sure if they're on the Web site or in some of the other documents, but I would see an important cultural role that is part of education that should be expanded. So that would be an important tool.

Ms Horwath: Do you have much of an understanding of what the history of funding has been for TVO/TFO in terms of budgets, where they are now, where they were before, what the pieces are?

Ms Desaulniers: Yes.

Ms Horwath: Could you explain to me what your perspective is, what your understanding is of the budgets?

Ms Desaulniers: The understanding was that there were budgets and they have separate entities, each managing their own. From what I understand, the licence that TVO/TFO has does not allow for private advertising, but there are provisions for corporate sponsorship and partnership.

I know that TVO is much more dynamic in getting membership and encouraging private subscription. It's something I would like TFO to do more of—finding ways to generate contributions from the community—because people speak with their pockets as well.

Ms Horwath: Lastly, I just wanted to ask you a little bit about your opinion of the governance structure. You raised that in your comments, particularly around some of your skills. There have been some discussions, some issues around the representation of francophones on the board and then whether or not there should be separate entities for TVO and TFO. Can I just get your opinion on both the current structure and whether you see a division being necessary.

Ms Desaulniers: As a consultant, I'm a firm promoter of mastermind alliances. The rationale behind mastermind alliances is that if you have a group of people with the same type of background, the same type of information, that's as far as you're going to go, but you grow from the diversity. Personally, I like the formula where you have both communities at the same table because each can make the other aware. Especially when we're talking public funds, better decisions are made when you have a good appreciation of the full line of products.

Ms Horwath: OK. Just lastly, if you wanted to comment on what you see as being the key to the future success of TVO/TFO. What's the key to stabilizing and making it successful in the future?

Ms Desaulniers: To make people aware of the wealth of information, the jewels that those are, and trying to position strategically in the downsizing approach so that people turn to TVO and TFO when they want quality, when they want to increase knowledge or their culture about different elements. That would be good strategic positioning.

M. Berardinetti: Nous n'avons pas de questions, mais je voulais vous dire merci, madame Desaulniers, pour votre présentation aujourd'hui devant notre comité.

1520

M^me^ Desaulniers: Merci, monsieur.

The Chair: Very good. To the official opposition, Ms Scott.

Ms Scott: Thank you for appearing before us here today also, and for your presentation. You've been very active in your community for a lot of years, so I commend you for that. My nieces like Dora the Explorer also—good show.

Ms Desaulniers: Do I want to know how old they are?

Ms Scott: OK, they're still 10 and under, so it's acceptable.

M^me^ Desaulniers: D'accord.

Ms Scott: I want to ask you a little bit about the cuts that the government has said they will be making, the $2 million to TVO and the $1 million to TFO. Do you have any idea where those cuts may be coming from, or what programming?

Ms Desaulniers: I don't know enough—

Ms Scott: Suggestions?

Ms Desaulniers: Suggestions? Firstly, different things come into play. Hopefully, if there is a program review, the province will have learned from how the feds did it, and the lessons learned. There are different ways. I can theorize on a lot of things—I have opinions galore—but in this case I don't have enough information. It would be looking at how business is done and what could be done differently.

As I mentioned earlier, it would be, for example, for TFO to be more dynamic, to recruit members, to become more important or stand out more in the community. I don't have enough information on how things are done on a daily basis, but it might be a matter of looking at, are we doing the right thing? Are we doing it in the optimal manner? Do we do it for the right people in the proper manner? If I'm on the board, I'll be able to give you a better answer in a couple of months.

Ms Scott: OK. I don't know if I missed it, but had you made comment before on how you felt about private investors, private investment in TVO?

Ms Desaulniers: That is something, when the decision not to put TVO/TFO on the market, to go get private sponsorship—I'm sure the decision was the right decision to make at that time, but it might be something we may want to look at, for whatever reason. It's an option; it's a possibility. Is it a good one for TVO/TFO? I don't know, but it might be worth looking at.

Ms Scott: My colleague has some questions for you. Thank you very much for coming today and answering.

Mr Tascona: I just want to ask you: Do you have any involvement with the Liberal Party?

Ms Desaulniers: As I mentioned, I was a card-carrying member.

Mr Tascona: You're not any more?

Ms Desaulniers: My subscription lapsed at the end of December.

Mr Tascona: You can renew it this year. You've been a donor to the party too, haven't you?

Ms Desaulniers: The only party I contributed to was for the fundraisers for John Baird.

Mr Tascona: OK. So John Baird's your MPP?

Ms Desaulniers: No. Madame Meilleur is my MPP.

Mr Tascona: OK. So you're in Ottawa-Vanier?

Ms Desaulniers: Yes, sir.

Mr Tascona: I'm a little surprised by your comments about being that open, if I understood it correctly, to the privatization of TVO or TFO. Or are you just open to the idea?

Ms Desaulniers: Let me reposition that. I would not privatize, but I would go get private funds for advertising, as partners, contributors, other than just the corporate partners or sponsors. It would be very sad if the government would sell TVO and TFO.

Mr Tascona: Let me ask you about the role of TFO in terms of French language school boards. Do you think they should be having more involvement with the French language school boards, because, as you know, there would be some complementary relationship there?

Ms Desaulniers: That could be one of the possibilities that we look at. There are other elements; for example, there is the Centre franco-ontarien de ressources pédagogiques, which is like a clearing house of pedagogical material for the schools. So there might be partnerships to make, because by being partners, then that could be greater distribution. There might be other avenues. For example, when I left the public service in 1995—again the pleasure of working at home—I discovered on TVO there was a series on how to start your small business that was done in partnership with Algonquin College. Afterwards, people could order the workbooks, cassettes and stuff like that, which I felt was just great. I have not seen a similar product or similar partnership with the French side. So that might be another opportunity to get that information—

Mr Tascona: I'm not aware of any educational instruments with respect to TFO as opposed to TVO, although I do know there is a relationship with the print media. There are two French newspapers that generally go through the French school board system that the students are given, as opposed to materials TFO could provide that would be educational, which has not been evident.

Ms Desaulniers: It might be part of the governance and looking at how we do things. On the French side, for example in Ottawa, when we have Winterlude, Frimousse comes and goes with monsieur and madame

Glamotte, the little groundhog characters there. In one of the shows in TFO, one key character is Frimousse, and children just love Frimousse, and there is also Caillou. You have Caillou on TV, and when the Centre franco-ontarien de ressources pédagogiques that I was referring to did their official opening, there were lineups for streets. Little kids wanted to go see Caillou. So those could be some of the partnerships that we look at and do things differently.

Mr Tascona: I'm just suggesting there could be a stronger partnership. I think that's something you should look at. I remember when TVO was here doing a presentation with Isabel Bassett and they were showing some English-language educational tools; they were quite impressive. But there wasn't any presentation with respect to French educational instruments.

Ms Desaulniers: That might be another market to court and make it even more "rentable," make it more profitable.

Mr Tascona: I wasn't suggesting that. I was thinking about the French-language school system from a supportive viewpoint, not as a point of making money from them.

Ms Desaulniers: Well, you can do both. Another value added with TFO is that people in New Brunswick, in Acadie, can see it. So that also strengthens the linkages, and there are now little parts of programming from New Brunswick. To me, TFO is a beacon of quality with regard to television.

Mr Tascona: OK. Thanks very much.

The Chair: Madame Desaulniers, thank you very much for your presentation and response to the members' questions. As you may know, we move to concurrence, the votes on the intended appointees, after we get through our three, which should be about 4 or 4:30?

The Clerk of the Committee: At 5.

The Chair: At 5 o'clock as a worst-case scenario. So you're invited to stick around and enjoy the show.

Ms Desaulniers: I have to go back. Thank you very much. Merci beaucoup.

The Chair: Thank you very much. Have a good day.

NORMAN PURVES

Review of intended appointment, selected by third party: Norman Purves, intended appointee as member, Ontario Realty Corp board of directors.

The Chair: Our next intended appointee is Mr Norman "Bud" Purves. We had a chance to meet Mr Purves in his previous position as president and CEO of the CN Tower during some very difficult tourism years, 2001-02 and into 2003. But the tower still stands and Mr Purves still stands, and he stands before us as an intended appointee to the Ontario Realty Corp.

Mr Purves, welcome to the committee. You're invited to make a presentation about your interest in the ORC and your qualifications. Then we'll start into questions with the government members. The floor is yours, sir.

1530

Mr Norman Purves: Thank you, Mr Chairman. Yes, I do have a statement to make. It is indeed a pleasure to be here. It's quite thrilling for a person to come in off the street; we don't get to come to this building too often.

Good afternoon, ladies and gentlemen. I do feel honoured to appear before you as a candidate for the board of the Ontario Realty Corp. As you can see from my resumé, which I hope you have before you, I have had significant real estate and governance experience, all of which I believe would contribute to the value I could bring to the Ontario Realty Corp board, if appointed. My experience covers all aspects of the property industry, from zoning, public policy and servicing to infrastructure; also commercial, institutional and public residential projects; and financing, leasing and property management, as well as the acquisition and sale of property.

I'm a graduate of the urban studies program at York. In my early working years I managed the rezoning of projects in many areas of Ontario, from North Bay to Markham, Burlington, Lindsay and Ottawa. While in Ottawa, Mr Robert Campeau approached me to go to Alberta and open an office for the Campeau Corp in Alberta. In Calgary, I did a number of residential and commercial projects and eventually went out on my own, offering real estate consulting services. As such, I did a joint project in downtown Denver with the Denver Urban Renewal Authority, which was a very interesting project. As well, in Calgary I provided management services to such clients as Great-West Life, which had large holdings in southern California; Atlantic Trust, which had holdings in the Maritimes; and Misener Steamship, which had property throughout the province of Ontario.

In 1989, I was offered the job at A.E. LePage Investments of running that corporation. A.E. LePage Investments is not Royal LePage; it's a separate company which was the offshoot of the merger of A.E. LePage. A.E. LePage Investments had $250 million worth of projects in Ontario and Florida. As well, they had a joint project with the Department of Housing and Urban Development of the United States government in Syracuse, New York.

From that job, I went to CN Real Estate, where my responsibility was to achieve the rezoning of the railway lands. That was one of my main responsibilities in downtown Toronto, in and about the CN Tower, as well as many other significant sites throughout Ontario, Quebec and eastern Canada. Today I look with pride at some of these sites. The railway lands and the nice project we did on Merton Street in Toronto have all been turned into vibrant real estate projects.

When CN was privatized, I went into the TrizecHahn Corp. As a senior VP there, I was responsible, among a number of things, for capturing the right for Trizec to acquire the management of the CN Tower from the federal government. During my time at Trizec, we saw a great improvement, I believe, in the tower experience for the millions of tourists who came there each year, and we strengthened the tower's importance as a voice for Ontario and the tourism industry in general.

While I was managing the transfer of the assets of the CN Tower back to the federal government in 2002, York University approached me for a role in the corporation which develops all their land. I am now president of that company. At York University we have an ambitious program to supplement the university's finances by maximizing value within the terms of the university guidelines on certain real estate assets.

I believe that all of this is highly relevant experience, given that the Ontario Realty Corp is one of Canada's largest real estate and management companies, with responsibility for over 6,000 buildings, which is a startlingly large number, representing some 50 million square feet of office space and 90,000 acres of land across the province.

My governance experience includes sitting on boards of various institutional building corporations, such as the opera house that is being built now—a $150-million project—and the $300-million MARS project. Previously at the University Health Network I chaired their Project 2003.

My real estate and governance experience has given me great respect for the importance of stakeholder communication, particularly in such public institutions as the CN Tower, the opera house and York. I believe it is essential to engage all stakeholders impacted by the real estate actions of such institutions. I also believe in the ethical value of civic duty, as evidenced by the time I have donated to the opera house, the UHN and the MARS project.

I was born and bred in Ontario. I've lived in many parts of the province, from Red Lake to Sudbury, and also in southern Ontario. As a youngster going through school, I was a bush pilot in northern Ontario, so I saw many parts of this province and have quite a respect for the south as well as the north.

If appointed to the ORC board, I would work hard to help the board fulfill its responsibilities to the shareholder—the province of Ontario—and maximize the value to the Ontario taxpayer.

I'd like to thank you for allowing me to make this brief presentation, and I'd be happy to answer any questions you might have.

The Chair: Thank you very much, Mr Purves, for the presentation. We'll begin any questions with the members of the government.

Mr Berardinetti: On behalf of the government, I'd like to thank Mr Purves for coming here today. We have no questions and we'd like to waive the remainder of our time.

The Chair: That's very generous of you. We'll pass on to any questions from the official opposition.

Mr Tascona: Thank you, Mr Purves, for coming here today. I think we've met in the past, haven't we, when I was on the city of Barrie council?

Mr Purves: Yes. We met in the early 1990s with the waterfront. Councillor Perri—was that his name?—was quite involved in that.

Mr Tascona: That's when we expropriated your lands to make sure that you didn't build houses on our waterfront.

Mr Purves: Yes. I think, in the end, it all worked out pretty well.

Mr Tascona: It just caught my eye, because when I was looking at your CV here, you mentioned you managed the rezoning of several major railway sites including the extensive railway lands downtown and the Barrie waterfront. I don't think you rezoned those lands, or did you?

Mr Purves: There was an interesting case. Prior to my days at CN Real Estate, the railroad and the city of Barrie entered into some arrangement whereby zoning was conferred on those lands. Then we came along to implement that zoning, and the city of Barrie thought otherwise. So the issue was, how do you control getting maximum value for CN and yet get the city of Barrie its waterfront? We went through a protracted arrangement and eventually—

Mr Tascona: I think you acted pretty professionally through that once we expropriated you so we could make sure that there were no houses built. That was the area from the south shore centre out to Minet's Point Road. I think it worked out well because it's all under public ownership now.

Mr Purves: That's great. Also, CN did get a subdivision south of that. There's a little plaza in there and it all came out. It's been to the betterment of everybody.

Mr Tascona: I remembered you from that. Certainly this is a good opportunity for you right now. I just wanted to indicate that I think you're a good, qualified candidate for this.

Mr Purves: Thank you, sir.

Mr Tascona: My colleague may question you.

Ms Scott: Thank you very much for appearing here before us today. I don't know, in my short time on this committee, if anyone has ever said that they were honoured to appear before us, so I thank you for that.

Mr Purves: It's quite an honour to come off the street, walk into this big building and get your pass. It's quite a hallowed institution. You're probably used to it, but it's a wonderful building.

Ms Scott: It is a wonderful spot. Thank you very much.

You did mention in your comments that you had done work in Lindsay. What did you have there?

Mr Purves: In Lindsay, in my very first job out of school, I worked for a company that owned a manufactured housing plant in Woodstock called Great Northern Capital. Great Northern Capital had to find lots on which to put their manufactured houses. This is back in the early 1970s. At the north end of—is it Evangeline Street?—

Ms Scott: Angeline.

Mr Purves: —there's a subdivision. There was a piece of land in there that we acquired and put draft plan approval on and created about 100 lots in that area in there.

Ms Scott: They're still developing lots of houses at the north end of Angeline.

You have a background in tourism. Tourism is a very big part of my riding, Haliburton-Victoria-Brock, which includes Lindsay, and that's why I asked you that question originally. But we also have the Frost Centre. I don't know if you've been following the news about the sudden closure of the Frost Centre there. It's in the northern part of the riding by Dorset. There's a huge outcry for it not to be sold, but it is in the hands of Management Board and the ORC right now. There is a local committee working to come up with a solution for what they could do with the Frost Centre and they've been working with the ORC. There have been some communication problems and not enough sharing of information. Like I said, they only have a year to come up with it.

Would you be able to help make sure that they can get the information they need? Do you know enough about the ORC and the communications? There just seems to be a big gap between Ontario Realty Corp and this committee specifically, but I'm sure there are other instances.

Mr Purves: I don't specifically know the nature of the ORC's communication process. I am aware of the Frost Centre. I know that my children attended there and I had read in the papers in the north of the closing. But I believe that communication is important and I believe that there is a policy in place, which—if I read the mandate of ORC, it's the mandate of the directors of ORC to carry out government policy. Having said that, I do think you're quite right in talking about communication. I think communication around sensitive assets helps in the smoothing out of the process. So that's something I would look into for you on your behalf if I were appointed.

1540

Ms Scott: I appreciate that. Thank you.

The minister approved a new class environment assessment process in April of last year. Do you have any thoughts on the environmental responsibilities of the ORC? The Frost Centre is also going through an environmental assessment right now, along with a heritage assessment.

Mr Purves: Yes. In preparation for this, I did download that from the Web site and was impressed by the amount of material that came out. I did a little historical research to realize that it was a priority as a result of previous criticism that the ORC received.

I don't know whether the criticism is worthy or not, but I do believe that the EA process, in some areas, is a misnomer, because in most instances it's about a communication process of choices and options as well as the significant aspects of a property as to whether there are actually historical, archaeological or, in certain cases, environmental concerns.

I believe that as a public body, such as the ORC and other public bodies I've worked with, you are held to a higher standard than the normal citizen is expected to operate under. So without being fully conversant with the EA process to which the ORC has submitted itself, other than downloading about 100 pages from the Internet and realizing it's significant, I think it is something that needs to have a lot of attention paid to it, because with real estate and assets such as that, there are a lot of feelings around them and you have to be sensitive to those.

Ms Scott: I appreciate that you seem quite qualified and I'll be sure to hope for some co-operation with the Frost Centre when your appointment is official.

Ms Horwath: Welcome this afternoon. It's very nice to meet you, Mr Purves. I'm wondering if you can tell me if you have an affiliation to any political party or if you've donated to any political party in the past.

Mr Purves: I'm not a member of any party. I have donated to the Liberal Party. If anyone I personally know runs for any elected office, I will donate to that person's campaign, and I've donated to the Conservative Party in the past as well. I have supported certain members of the NDP, but I don't know if I've actually ever donated. I've never been asked.

Ms Horwath: I'll put that on my list. Thank you.

I'm wanting to ask, particularly around the comments you made about the EA process and the necessity of having at least the perception of being at a higher standard in terms of the general public or general business or companies—I want to take that comment and put it toward some other issues and ask you if you realize that the ORC has in the past been accused of political influence when selling land. What would you be able to do or what do you think some suggestions would be, if you have any, to prevent the appearance of political bias or interference in the selling of lands?

Mr Purves: That's a very interesting topic. With the land business, everyone's an expert after something is sold. Wherever you live, in your own neighbourhood, if someone down the street sells something, you say, "Gee, if I had known that, I'd have bought it for that price." So it's always subject to that, and being in the political area, it's another heightened need.

Throughout my days, I have been involved in many land transactions. I've been involved in valuation processes and I've been involved in sales processes, and I think my eye for a process when something comes to me—as a matter of fact, what was intriguing when I was reading the materials about the ORC was that they talked about major transactions getting reviewed by the board. I don't know what it meant by "reviewed by the board," whether that meant approved or reviewed or passed by. So I'd be interested in finding out what the governance of the ORC meant by the words "reviewed by the board," and also that transactions get approved by an order in council above a certain level.

I think many steps have been taken over the last while to talk to the perception of politics in land sales, and I think a further attempt has been made where they're looking to outsource their sales activities. I presume the ORC is attempting to make someone who's a third party directly accountable for an independent transaction.

That's the theory of how that is to work, and I would hope that, as board members, we'd have the opportunity to see that's how it does work.

Ms Horwath: I just want to follow up on some of the comments you made, particularly around your personal background and some of the connections and the people you have come to know and work with—even Mr Tascona here at the end of the table. I'm wondering if you could tell me if you have any concerns at all with the number of developers and real estate contacts you have, that you don't have any conflicts of interest, and, if some arise, how would you prevent both a conflict and the appearance of a conflict from happening or occurring when you're conducting business on behalf of the ORC?

Mr Purves: That's a very good question as well. Personally, if there was a piece of property involved in which someone was interested and was lobbying me directly, I would be offended by that. I think there's a process through which the ORC goes and I think, as a board member, I'd be ensuring that it happened.

I think there's a certain need to talk with the management of a company such as the ORC if a board member is lobbied. I'd be advising the individual involved in management that I'd been approached by this person. I think that's the best way you can do it. Open and fair communication is the way you can get around that sort of an issue.

Ms Horwath: You're probably quite aware of the ORC's mandate in terms of selling off properties and raising revenues for the province. I'm wondering if you have any comments to make on a target that was mentioned by Minister Sorbara about a month ago of $50 million in savings, to help the ministry save that amount of money in rent and reduced energy consumption in terms of the ORC mandate over the next little while. Do you think it's feasible that the ministries could save $50 million in both rent and energy costs?

Mr Purves: Not knowing the portfolio in depth, I can't actually answer to the facts upon which the minister made that statement. I would assume that, given the size of the portfolio and the size of the transactions and then benchmarking the expenses within the ORC for ORC buildings against buildings across the province, he may have been able to come up with a gap. A common technique in the real estate business is to benchmark and expense one building versus anther building. Real estate and leasing agents use benchmarking all the time to drive one tenant from one building to a lower-cost building.

I think benchmarking and expense management is a common practice in the industry, but I've been in the industry long enough to know that you can pretty well get any number you want after a while. So I would be looking for a management of services. One thing I found at the CN Tower is that it's quality of experience versus cost of experience which ends up giving you value for money. I think value is something that's important, and bottom line is also very important.

Ms Horwath: That's fair, thanks. Do I have another minute or two, Mr Chairman?

The Chair: Certainly.

Ms Horwath: You mentioned earlier in your comments the idea that everybody comments after the deal has been made, whether it's a huge amount that was paid or a great deal that was accomplished by your neighbour down the street. But I think you're probably aware that the ORC has been criticized with regard to some of the deals that have taken place over the last several years, and I have several examples here. On Tomken Road in Mississauga, 9.2 hectares sold for $1.9 million. The same property was flipped in November of the same year, 1999, for $4.39 million. I'm not going to bore you with every single one, but there are several examples, many more than the ones that are on my pages here, that perhaps may indicate some problem with the way these properties are marketed or the way they are obtaining value.

I'm wondering if you can tell us if there is a way that we can ensure that bad deals, or what appear to be bad deals for the taxpayer and for the government, can be avoided or at least reduced so we can get the best value out of all the sales that occur.

1550

Mr Purves: That's always a problem in a rising market. During the recovery of a real estate market, something can be sold one day and for no apparent reason, six months later, something else can happen, because the fellow next door to that piece of property obtained zoning for a high-rise, so that high-rise zoning might be thought to accrue to this property. There are a lot of facts around property. I think you can't control those things.

What you can control is to make sure that you have the most open process that you can and that the liabilities associated with a property at the time of sale are properly known so that at some point in time there's always somebody who has a view on how we can manage a liability or not take a liability or pass it on to someone else or leave it with the taxpayer. So it's through homework and diligence in the sales process.

It's a constant fear, I know. I've dealt with public land in the United States, in Florida and Denver, and in Toronto and in areas from all agencies. One of the biggest embarrassments any government agency can have is to sell a piece of land and have it resold for more money later. I'm aware of that problem.

Ms Horwath: Thank you. Those are my questions.

The Chair: Great. Mr Purves, thank you very much for your presentation. It's good seeing you again. Continued success at York University. If you have a chance to stick around, please do. We'll probably, between 4:30 and 5:00, move to our concurrence votes.

CAROL GRAY

Review of intended appointment, selected by official opposition party: Carol Gray, intended appointee as member, Ontario Realty Corp board of directors.

The Chair: Our next intended appointee is Carol Gray, also as a member of the Ontario Realty Corp board of directors. Ms Gray, among her accomplishments, manned the CIBCs down in the Niagara Peninsula, including Fort Erie, the town where I was born and raised. My account with the CIBC is still in order, as far as you know?

Ms Carol Gray: As far as I know.

The Chair: Ms Gray, welcome to our committee. You have some time to make a presentation about your own qualifications, background and your interest in the ORC, and then any questions we have will begin with the official opposition. The floor is yours.

Ms Gray: Thank you very much for the opportunity to speak with you today. I too am honoured to be here. I look forward to answering your questions, so I'll keep my introductory remarks brief.

As you can see from my short biography, I have had a successful banking career. I also have a degree in history and political science and an MBA from the University of Western Ontario. It is obvious that I do not have any experience in the public sector nor am I a real estate, construction or facilities management expert. Given my background, therefore, you may be wondering what contribution could I make to the board of the ORC. Let me explain how I think my corporate experience is a good fit with the mandate of the ORC board.

In the Management Board Secretariat 2002-03 business plan, the ORC was described as "working to combine private sector best practices with public sector accountability." I bring to the table 25 years of experience working in large organizations and leading transformational changes at a senior executive level. I believe there are many parallels to the issues and challenges of working in a competitive industry at a highly visible, profit-driven organization to the complexities facing the ORC in successfully achieving its broad mandate.

Firstly, my experience has taught me how to balance the demands of diverse stakeholder groups. Profit-driven shareholders, value- and service-driven customers, employees, special interest groups, auditors, regulators and service providers were all part of a complex stakeholder group whose competing interests I learned to reconcile.

My successful career taught me to rely on the time-tested values of good dialogue, transparency, accountability and integrity. This is the character set that anyone who worked with me at CIBC would use to describe my values.

Secondly, when I was a senior executive at CIBC, my first and foremost job was to maximize shareholder value within the boundaries of good governance. In a mature market such as banking, this often meant that managing costs required greater attention than maximizing revenues. Achieving cost reductions is easier in the early stages of a cost-reduction program by capturing the low-hanging fruit; however, to be a cost-effective organization over the long term, a performance-based culture must be pervasive throughout the organization. Benchmarking other companies in other industries brings new insights to define performance objectives and achieve results.

Because I am not an expert in real estate subject matter, I am not tied to the status quo nor attached to industry trends. I also have no conflicts of interest. I bring a different corporate perspective and strategic thinking that is grounded in the pragmatic experience of getting a job done well.

Thirdly, I learned my reputation for successfully leading transformational changes in a large and often bureaucratic organization, but my performance was always evaluated on achieving the bottom line budget.

I think you need to know that while the profit objective was always a serious consideration for me, it did not drive my behaviour. My leadership was driven primarily by the employees and customers, and not the shareholders. It was through them, our employees and customers, that we were able to create shareholder value in a sustainable way.

If I am a successful applicant to the board of the ORC, I know there will be a significant learning curve for me. I must understand the business sufficiently in order for the management experience I bring to the table to have relevant context. I am a quick study. Since I am no longer employed, I have the time to learn what I need to know.

Lastly, I would like to explain my personal motive for applying for this position. Since leaving CIBC 18 months ago due to an organizational restructuring, I've re-assessed my life's priorities. Spending time with my family and giving back to the community are my major occupations. I think becoming a director of the ORC board, in addition to my other volunteer activities, allows me to contribute to our community in a meaningful way.

Thank you for considering my application, and I welcome any questions you may have.

The Chair: Great. Thank you very much, Ms Gray, for your presentation. It's time for questions, beginning with the official opposition.

Mr Tascona: Thanks for coming here today. Who have you been dealing with in the government to get this appointment?

Ms Gray: Michelle DiEmanuele, who is the deputy minister for the centre for leadership. I worked with her at CIBC. She knew that I had left CIBC and approached me a few months ago, wondering if I would be interested in a director position. I said yes, I had the time, and left it with her.

Mr Tascona: What draws you to this position?

Ms Gray: I think because the board is made up of a mixture of people both from the industry and outside the industry, both in the private sector and in the public sector. I think from my background that, as I explained, while I don't have specific experience in the real estate industry, my general management experience and my experience working in a large organization have a lot of relevance.

Mr Tascona: Is there any compensation for this position?

Ms Gray: It's my understanding that there is a per diem of $150 for when the directors sit on the board. So it's not for the money that I'm doing this.

Mr Tascona: My colleague has some questions.

Ms Scott: Thank you again for appearing before us here today and bringing your CV, which does have a lot of corporate and community experience.

One of the ORC changes that is to be made is the campaign to conserve energy.

Ms Gray: Yes.

Ms Scott: OK. You're aware of that. There's a timeline of a target reduction of 10% in consumption by 2007. I'm putting a plug in for another Frost in my riding: The Frost campus at Sir Sandford Fleming College in Lindsay has one of the most energy-efficient buildings in Canada.

Ms Gray: I wasn't aware of that.

Ms Scott: Yes. I know that Donna Cansfield had mentioned that she had been looking at that as a model. I didn't know if you wanted to develop any further energy conservation guidelines, and a reminder to maybe look at the Frost campus as a model.

1600

Ms Gray: Thanks for passing that on. While I don't know the specifics of what the ORC has already undertaken to work toward that targeted 10% reduction, I think one of the ways to do that is to benchmark the best practices and to know what's out there and what is achievable, and then to have the measurements in place to know how each building is currently performing to identify the priority buildings that can perhaps be retrofitted or where you can get the greatest benefit from making changes, and then implement the changes and monitor them. So thank you very much for passing on one of the best practices in your riding.

Ms Scott: I'd appreciate if you'd look at that. They've done a lot of work and need to be commended on that.

Back to the other Frost Centre in my riding, you probably heard my other comments about the closure of the Frost Centre, just south of Dorset. It's now in Management Board and ORC hands. I just wanted to get your opinion. I raised some issues about communications and the short timeline they have to find alternatives. Do you have any comments about communications in the ORC presently?

Ms Gray: I do. I'll put it in the context of the Leslie Frost Centre. I have a country home in Haliburton, so although I haven't used the Frost Centre for some time, I spend a lot of time in Haliburton. I think that it goes back to my opening remarks around managing stakeholder groups that often have, on the surface, conflicting interests. They often appear to be conflicting because their time horizons are perhaps different. The information I have on the Leslie Frost Centre I've only learned about through what I read in the Haliburton Echo.

Ms Scott: It's a very good paper.

Ms Gray: I think that a dialogue with the community in the early stages would have perhaps surfaced alternative solutions. I understand that dialogue is going on now, so I'm hopeful that a solution will come about that is acceptable to all parties. It's the time frame in which they have to work which may be the challenge today.

Ms Scott: Upon your successful appointment to the board, I'd appreciate any co-operation that we could have with the Frost Centre on that.

Do I have any more time?

The Chair: You do, actually.

Ms Scott: I will also bring up, then, the changes of the class environmental assessment process they brought in last year, and any comments you have about that with respect to the heritage aspects that they're also looking at.

Ms Gray: I don't have a lot more to add than the gentleman before me. I, too, believe that the ORC has to hold itself accountable to a higher standard than perhaps we would expect of the normal citizen or private organization. That's obviously because it has a responsibility to carry out the government's policies in an efficient manner, but it also becomes a role model for others in the manner in which it carries itself. I think how it looks at those issues requires good communication, dialogue and transparency in demonstrating that it can be a role model in setting itself up to a higher standard in carrying out those policies.

Ms Scott: I'd certainly encourage you to continue to read the Haliburton County Echo when you're up on the weekends. If you'd like to go by the Frost Centre, I'm sure that once you're appointed to the board, you're going to have more authority to go in and assess the situation.

Thank you for appearing here before us today.

Ms Horwath: I'm going to ask a couple of questions following up on those asked by Ms Scott around policy initiatives that the government has undertaken. Of course, one that has been fairly recent is the issue of accessibility for people with disabilities. I'm wondering if you have any opinions on how the ORC might be able to proceed with making the buildings that are under its control fully accessible to all Ontarians over the short term and the long term.

Ms Gray: First of all, I don't know the specifics of what measures have already been taken. However, I would say that once a policy of the government has been put into effect, then it's the ORC's responsibility to carry out that policy as efficiently and effectively as possible. I would assume that the ORC would do the analysis to determine which buildings could be retrofitted in the most timely fashion and then, by learning from that experience, may be able to tackle the buildings with more complexities.

I think also, as it's already currently doing in many of its other practices—and that is bringing in private sector contractors, people who have developed competitive practices, and through that, by bringing in third party, private sector contractors, get a fair price for the work that has to be done and ensure that the taxpayers ultimately are not paying something more than they have to.

I think, ultimately, bringing those buildings up to the standards that would comply with the act would encour-

age and show how other private sector companies, which will therefore have to follow, can also quickly retrofit their buildings to comply with the act.

Ms Horwath: One of the things I meant to ask at the beginning, the first question, was, are you currently a member of the Liberal Party, or do you make donations to the Liberal Party, or any other party, for that matter?

Ms Gray: No. I'm not a card-carrying member of any party, and I do not make donations.

Ms Horwath: Do you make political donations?

Ms Gray: No, I have not.

Ms Horwath: I'm not sure if you're aware, but if one looks at the history of salary information from the organization, it's really clear that over the last couple of years, not only has the number of employees earning over $100,000, over $150,000, over $200,000 increased, but then, of course, the amount of dollars has increased significantly in terms of salary. I'm wondering if you have any opinion on that issue and if you see any concerns with that.

Ms Gray: I think when you look at numbers such as compensation, they have to be put in the right context. Because the ORC has introduced elements of the private sector and is competing with the private sector for the best talent, perhaps a better way to assess those compensation numbers to determine whether they're adequate or inflated is to compare them with private sector companies that are doing similar jobs, have similar roles as the ORC, because if you want the best talented people, then you're going to have to pay market value.

Ms Horwath: There was another question that I had, and I can't find it now. Oh, I know. One of the questions that I was going to ask Mr Purves, but our time was starting to run out, was the question around recent charges that have been laid, fraud charges against—I'm not going to name names, but there have been police anti-rackets-branch charges laid recently against certain executive staff members of the ORC.

Without dealing specifically with that case, I'm wondering if there are any concerns you have about that and/or any suggestions or ideas that you might have of steps that could be implemented to ensure that things of a similar nature don't occur in the future.

Ms Gray: Obviously, the objective of good governance is to prevent those things from happening. I think some of the steps that the ORC has already taken, such as the use of brokers, for example, where their profit motive is going to ensure that you get the best competitive price—the various levels that any sale of assets has to go through ensures that there is a check and balance and a structure that is followed.

Beyond that, what I would need to know are more of the specifics of the procedures in place today to ensure that there is sufficient good governance. All I can do is bring it back to a lot of my banking experience where, it being a fairly regulated industry, I do have a lot of knowledge around good risk management policies and procedures—risk management in the broad sense of the word.

Ms Horwath: Thank you. No further questions, Mr Chair.

The Chair: Great. To the government members.

Mr Berardinetti: I'd like to thank the nominee, Carol Gray, for making a presentation today. On behalf of the government, we waive all further questions at this time and look forward to hopefully having an approval today.

The Chair: Outstanding. I thank government members. Ms Gray, thank you very much for your presentation here today. You're invited to stay around. We'll move to our concurrence votes after Ms Mulvale's presentation.

1610

ANN MULVALE

Review of intended appointment, selected by third party: Ann Mulvale, intended appointee as member, Ontario Municipal Employees Retirement Board (OMERS).

The Chair: Our next intended appointee is Ann Mulvale. As you folks will know, Ms Mulvale is the ongoing mayor of Oakville and past president of AMO. Your Worship, welcome to our standing committee. Ms Mulvale is an intended appointee as a member of the Ontario Municipal Employees Retirement Board (OMERS). Your Worship, the floor is yours for a presentation about your interests in this position, and then any questions will begin with the third party.

Ms Ann Mulvale: Good afternoon, Mr Chair and members of the committee. I welcome this opportunity to be with you this afternoon to speak to this potential nomination to the board of directors of OMERS and to respond to questions that you may have.

As has been alluded to, in my role on the AMO board, as a member, as twice the president and as the immediate past president, I've been involved in a number of conversations over the years about the importance of the OMERS board. In fact, the president of the board has routinely, probably once a year, appeared before the AMO board.

Obviously, the OMERS board has a multifaceted stewardship role, a vitally important stewardship role: the stewardship of management of monies vitally important to the quality of life for the retirement of former municipal employees and the responsibility to ensure money contributed by individual municipal employees and the property taxpayer is managed in a sensible, responsible and ethical manner.

As a person widowed at 45 who has received a pension since then, I have a greater awareness of the importance of pensions than many people of my age. In my role as the mayor of a community, I understand that benefits are an issue in attracting and retaining the intellectual and physical capabilities that are essential to a well-run municipality.

With the demographic shift occurring at the end of the employment cycle of the baby boomers, the growth in the number of people drawing pensions will continue to

increase. Challenges in the equity market have put pressure on all pension funds, especially OMERS because of the federal requirement to deal with the surplus of the late 1980s and early 1990s.

Since becoming mayor in 1988, I've had the privilege of serving with five Premiers of all three political parties during their tenure in power. It has been my practice not to carry a card provincially since becoming a municipally elected official in 1980. I have always respected the democratic process and whomever the people choose, whether locally on municipal councils that I've had the privilege of serving and leading or at the provincial or federal levels of government, I have always seen my role as an elected official to be to work for the best possible outcomes for the people that we together serve.

Over the past two years, I've worked with former Premiers Bill Davis and Bob Rae on the Toronto City Summit Alliance's work. Former Premier Bob Rae was kind enough to offer a supportive quote for my 2003 campaign Web site.

I believe the OMERS board has taken a position regarding P3s and, where there are potential conflicts between municipal employees, it's quite clear that they're investing in bricks and mortar, not in operations that might take away public sector jobs. Given the change in provincial leadership, there also seems to be less likelihood of P3s becoming an important matter of investment opportunities for OMERS. That conflict seems to have diminished.

Municipalities and their employees enjoyed the contribution holiday. However, now they are faced with the possibility of increased fees to fund in a financially responsible way the benefits that OMERS pensioners receive. An increase in fees is an issue for both the employee and the employer. Both sides are very conscious of the need to ensure the financial integrity of the pension plan.

In preparation for today's hearing, I had the opportunity on Saturday to speak to an OMERS board member, Michael Power, the former president of AMO, who I followed into that role. AMO, although not able to appoint members directly to the OMERS board, has always taken an interest in the membership of that board.

I would like to serve in this capacity and deploy the skills I have gained in over 20 years of municipal life. Through my roles as AMO president, as a widow who has been a pensioner for almost 10 years and as CEO of an organization that employs over 800 current OMERS members, I understand the need to listen and learn while sharing and serving.

I am prepared and anxious for your questions.

The Chair: Thank you very much, Your Worship. We begin any questions with the third party. Ms Horwath.

Ms Horwath: A couple of the comments you made during your presentation covered off some of the questions I had, Your Worship, so that's very positive. I guess one that's outstanding is, you talked a little bit about the concern of both employees and employers in regard to the funding that's required. In your opinion, what position are municipalities in, overall, as employers to be able to absorb the costs of increasing contributions?

Ms Mulvale: In my own community, the overall budget of the town of Oakville is impacted to a 2.9% amount of pension benefits. When you look at the tightness of the revenue streams that the municipal order of government has, any increase is significant. Some municipalities have had great difficulty blending back in the holiday from OMERS, so the increase to the employer in terms of municipalities must be seen in the wider context of pressures on the property tax base.

We've been pleased to work with the provincial government and the federal government, both past and present, to draw their attention to the need to increase the revenue streams of the municipal order of government. We've seen positive moves in that regard with the sharing of the existing gasoline and fuel taxes both provincially and federally. With any increase from the employer sector for municipalities, it must be realized that those funds are primarily going to come from increases in property taxes.

Ms Horwath: I'm sure you're aware that there's likely going to be an increase. I think OMERS has already announced that. Do you support that decision within the context of—

Ms Mulvale: There are two things that we need to look at. We need to see it in the wider context that I've spoken to, but we also need to see it in that we have an obligation to be stewards of those resources. I don't think the people benefiting from pensions are going to want to have an issue of rollback of benefit gains that they achieved during the days of the surplus, so we need to balance that.

I am increasingly confident that my colleagues at the other orders of government understand the dilemma facing the municipal order of government and that monies of a sustainable nature will flow to assist us.

Ms Horwath: The cities' agenda, I would imagine.

I forgot to ask at the beginning: How did you find out about this particular vacancy?

Ms Mulvale: The AMO board always monitors that. As I indicated, we have no opportunity to directly appoint but we do maintain an awareness of when these openings are coming up. Typically, Pat Vanini of AMO will have contact with provincial staffs on these items, and if there are any people who have been expressing an interest or if there have been discussions at the board about who would be interested in doing this—that process has been one I've been aware of for a couple of years. As the immediate past president, the timing seemed right, and I'm pleased to step forward, if that's the decision of this committee.

Ms Horwath: May I ask your opinion on the governance structure currently at OMERS? Do you think it's the appropriate one? Do you think there needs to be more autonomy?

Ms Mulvale: Well, it's balanced in terms of the employee and the employer by the six appointments from each area of interest. It's easy to look from the outside in.

Once you're able to serve on a board, you get a better idea of how that functions.

I understand there has been a change, a little bit, in the tone of meetings and the ability for people to listen to the issue rather than challenge the individual in the last few months. I think that's a positive sign. I think it's healthy to understand that there are diverse interests on a board such as OMERS, and you need to have a very positive environment that encourages decisions to be made on a factual basis and active listening to the concerns of the employee and the employer groups.

Ms Horwath: In that vein, apparently there has been some criticism of the investment strategies of the Borealis infrastructure, the investment arm, particularly by employees who are covered by the OMERS plan. I'm wondering if you have any thoughts on the investment strategy.

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Ms Mulvale: I pulled the text of a speech that the new president and CEO, Paul Haggis, made to the Economic Club of Toronto on June 11. Some of the strategies that have now been viewed, with hindsight, as questionable have had the same impacts and the same questions raised in other private sector pension plans as well. So it's been a real learning curve with what has happened to the markets. There's always that belief; we just have to see the optimism, which some would call greed, of the Nortel investment frenzy and how far they can fall.

I think it would be prudent for anyone who came on to the board to look at the present strategies, to look at the checks and balances, and certainly to have an understanding of where the new CEO, president and the board feel their directions are going. Most individuals, no matter what their worth, like to have a diversified portfolio, because there is always some exposure. If you're in minerals too heavily or if you're in the banking industry—no disrespect to the previous speaker—you try to mitigate those risks. That's why you have a balanced portfolio. It recognizes that there will be peaks and valleys within the individual categories.

Ms Horwath: We've spoken of your leadership role in AMO as well, so I wanted to ask you quite frankly—in fact, I come from the municipal sector. I was a city of Hamilton councillor for many years. Some municipal leaders, rightly or wrongly, have felt that AMO doesn't really represent them and their communities in any great way. I'm wondering if that's going to affect your ability to deal with them, particularly as their OMERS representative. For those who are not enamoured of AMO or don't feel that AMO is representative of their interests, how will you be able to mitigate that concern?

Ms Mulvale: First, the reality is that AMO continues to represent the vast majority of municipalities in this province. You may be referencing the dispute between the city of Toronto, which I believe is really with the provincial government, and AMO got caught in the crossfire. I had the privilege of signing the memorandum of understanding at the AMO conference in October. The advancement in that was very significant: having a signed agreement between AMO and the provincial government that indicated that if the federal government dedicates funds through the municipal order of government, there will be no delay, there will be no clawback, there will be no conveying premium. The municipality that benefits most significantly from that change, oddly enough, is the city of Toronto, in terms of social housing and child care.

I am a politician; you are a politician, Madam. There are always politics that come into play in some of those sabre-rattlings. Recently, we even had the Premier of Newfoundland take down this nation's flag as a negotiating tool. I would suggest to you that the situation in Toronto, which must be the member you're speaking of, because we have the confirmed membership of virtually everybody else, was a tool. The negotiations continue and I have every hope that AMO will see Toronto back as a member.

I also just ceased chairing the affordable housing and homeless task force for AMO, and one of the key participants, although they're not a member of AMO any more, is the city of Toronto. We're working very well with one of the key people out of the mayor of Toronto's office.

Ms Horwath: Thank you. Those are my questions.

The Chair: To the government members.

Mr Berardinetti: I just wanted to thank Ann Mulvale for her excellent presentation. I think the government members are satisfied with her presentation and her application and would waive any further questions.

The Chair: That helps me run the committee on time. Much appreciated, sir. To the official opposition.

Mr Tascona: Thanks very much for attending here today. I just want to ask you a few questions. One has to do with the OMERS plan. My understanding is that there are currently 93,000 OMERS pensioners. The president of OMERS has indicated that by 2025, the OMERS pensioner population will exceed 200,000. Adjustments have been made to the investment strategy to hopefully achieve double-digit returns that would maintain the benefit but, obviously, if that doesn't occur, some potential options would be increasing the contribution level or decreasing the benefit level, because funding sustainability is a big issue.

What we're seeing out there is a trend in the private sector moving from defined benefit plans to defined contribution plans, which are individual RSPs. Of course, we here at Queen's Park have that. We have an individual RSP as a pension instrument.

What's also occurring out there, from what I've been reading, is that the Governor of California is proposing for the two main public sector pension plan systems, because of the funding problems they have there—I think they just recently issued a $12-billion bond because of the funding problems they have with respect to supporting their current public-sector-type pension, which is a defined benefit plan. The option they're looking at is that the new hires who would come on would be under the individual RSP, which is what we have here at Queen's Park, as opposed to going into the defined benefit plan.

I'm just wondering what your thoughts are on that, because certainly the sustainability of the funding is going to be a big issue, in my view. That's something that seems to be out there. There seem to be trends of moving away from the defined benefit plan in the private sector, but there's something happening in the United States at the public sector level. Do you have any thoughts on that?

Ms Mulvale: Not all things that happen in the States are beneficial or should be transferred to Canadian traditions, is the first comment.

Second, many of the people who are in the OMERS benefit and pension plan have collective agreements. This issue would definitely have to be dealt with in the confines of honouring collective agreements, so we would have to look at that.

We have some experiences in municipalities of unions in negotiations entering into discussions about redefining, for instance, their dental plans. As we entertain contract talks, we always try to be very honest with our people: "This is how much money we have. This is where our money comes from. Is there a menu that you would like to pick from?" So if there were going to be any changes to OMERS, we'd have to be heavily focused on respecting the collective agreements that are in place.

Mr Tascona: And there's no doubt, but obviously when you're looking at a potential funding problem—because double-digit returns in the current environment could change. I think it's going to be a fairly significant accomplishment to achieve double-digit gains, but if you can't, I'm just saying, those are the options out there. Certainly that's something I see as a trend out there. I don't know whether you see that at all.

Ms Mulvale: Obviously, the deficit is not peculiar to OMERS. It's reported that the deficit in Canadian pension plans, 60% of which have $160 billion in combined deficits—so that is again looking at a diversified portfolio.

Many people whose personal portfolios went down, whether they were in mutual funds and they're working people or whatever, their property values went up. So if you look at it as an asset mix—and of course, what OMERS is striving to do is have the right asset mix. The individual net present worth of many Ontarians, although they've lost money in the stock market, has not diminished; it has increased because of their property assets.

So in a pension plan that has wisely invested in a diverse way, it is not beyond the realm of possibility to get above single-digit increases. I'm approaching this as a positive person. We'll see where it goes, but I don't think we should approach it from the point of view that they're not going to be successful, when they have retained some new resources to readjust their investment strategy in that balanced approach to have better counterbalances.

Mr Tascona: Time will tell.

Let me ask you another question, though, because we've been meeting with the firefighters' association and we've met with the police associations. They both want out of OMERS. What's your opinion on that?

Ms Mulvale: I need to learn more about it. I certainly am aware, from AMO's perspective, of these negotiations and these suggestions.

One of the difficulties that happens with OMERS is that if you separate any, you lose some of the critical mass, number one. Number two, any changes that are negotiated for fire and police will be used at the bargaining table municipally. That's the reality. So we have to look at that. We already accommodate, quite rightly, early retirement ages for firefighters because of the exposure of their occupation. I need to understand the issue. I need to see what it is they're trying to achieve by that and what the ripples would be to other employee groups within the OMERS plan, so at this point it would be premature for me to have a position.

Mr Tascona: Yes, but you're aware that's what they want.

Ms Mulvale: I'm aware that there are discussions. I think that was part of the discussion during the last provincial election.

Mr Tascona: Being the mayor of a municipality, and this is OMERS, is there any conflict in your being on this board?

Ms Mulvale: No. In fact, I've only just got into the OMERS plan. Oakville, as a community, didn't put their municipal officials in. So in terms of any pension that I would get when I retire, I'd have to try to equal Hazel McCallion at 70 and 80 to get anything meaningful. So I don't think there is. I am in the plan, but in a very, very small way.

Mr Tascona: OK. No more questions.

The Chair: Mayor Mulvale, thank you very much for your presentation and for coming before our committee today. We will now move to our concurrence votes, so please stick around.

We will go to the first of this afternoon's intended appointments. It was Diane Desaulniers. Diane Desaulniers was an intended appointee as a member of the Ontario Educational Communications Authority, TVO/TFO.

Mr Berardinetti, do you move concurrence?

Mr Berardinetti: Yes, Mr Chairman, I do.

The Chair: Mr Berardinetti moves concurrence. Any discussion on Madame Desaulniers's intended appointment? Seeing none, all in favour? Any opposed? The motion is carried.

We will now consider the intended appointment of Norman (Bud) Purves, intended appointee as member, Ontario Realty Corp board of directors.

Mr Berardinetti: I move concurrence, Mr Chairman.

The Chair: Mr Berardinetti moves concurrence. Any discussion on Mr Purves's intended appointment to the ORC? Seeing none, all in favour of the intended appointment? Any opposed? The motion is carried.

Congratulations to Bud.

We're now considering the intended appointment of Carol J. Gray, who earns bonus points for sticking around to the end of the committee. Ms Gray is the intended

appointee as member of the Ontario Realty Corp board of directors.

Mr Berardinetti: Mr Chairman, I move concurrence.

The Chair: Mr Berardinetti moves concurrence. Any discussion concerning Ms Gray's intended appointment? All in favour? Any opposed? It is carried.

Congratulations and all the best at the ORC.

Our fourth and final of today's session, Mayor Ann Mulvale, intended appointee as member of the Ontario Municipal Employees Retirement Board, OMERS.

Mr Berardinetti: Mr Chairman, I move concurrence.

The Chair: Mr Berardinetti moves concurrence. Any discussion? All those in favour of the appointment? Any opposed? It is carried.

Your Worship Mayor Mulvale, congratulations and all the best with OMERS.

Folks, before we end our session, we are anticipating additional intended appointments to come through between now and our next meeting of February 16. As members know, the House resumes on February 15. Are members interested in meeting in the next couple of weeks to try to clear up some appointments? I'm gauging the interest of my colleagues.

Mr Berardinetti: So February 16 is the next date?

The Chair: February 16 is the currently scheduled next meeting of the agencies committee. We anticipate some appointments coming through the next few Fridays. I will circulate a message to gauge members' availability between now and February 16, noting not a great deal of enthusiasm for meeting before the 16th. We will see what develops.

Any final business for today's session? Great. Thank you very much, folks. We are adjourned early. Have yourselves a good afternoon and a good evening. We'll see you soon.

The committee adjourned at 1634.

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Wednesday 16 February 2005

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Mercredi 16 février 2005

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Intended appointments

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 16 February 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 16 février 2005

The committee met at 1007 in room 151.

SUBCOMMITTEE REPORTS

The Chair (Mr. Tim Hudak): Good morning, folks. Welcome back. I'm going to call the standing committee on government agencies to order. We have four intended appointees to discuss this morning following our regular procedure.

Before we begin, we have a couple of routine business items. Our first order of business is the report of the subcommittee on committee business dated Thursday, January 20, 2005. I need a member to move its adoption.

Mr. Ernie Parsons (Prince Edward–Hastings): I move adoption.

The Chair: Mr. Parsons moves its adoption.

Any discussion on those minutes for January 20? Seeing none, all in favour? Any opposed? Carried.

Thank you, Mr. Parsons.

Our next order of business is the report of the subcommittee on committee business dated Thursday, February 10, 2005.

Mr. Parsons: I move adoption.

The Chair: Mr. Parsons moves its adoption.

Any discussion on these minutes? Seeing none, all in favour? Any opposed. It is carried. Thank you very much, folks.

I understand my Vice-Chair has received a letter from the Minister of Training, Colleges and Universities, which she has given to the clerk, who is distributing the letter to all members of the committee. This is a response to a letter that had been written some time ago. Members will have a chance to see the letter. If you want to discuss it later in the meeting, we can do so, but we thought we'd distribute copies as an information item.

Is there any other business before we proceed with the intended appointees?

Ms. Laurie Scott (Haliburton–Victoria–Brock): Yes. Mr. Tascona is coming a little later, and I wondered if we could move other business toward the end of the meeting, if that is OK with everyone.

The Chair: Any comments?

Ms. Scott: Is that OK, that we move other—

Mr. Parsons: I'm sorry; I was reading.

Ms. Scott: That's OK. Could we move other business to the end of the meeting? Mr. Tascona is going to be here a little later and wanted to bring up something.

Mr. Parsons: Yes, absolutely.

The Chair: I thank the committee members. We'll do that. We'll get to other business after we have done with the intended appointees. Now we'll move on to that.

INTENDED APPOINTMENTS

SHERENE SHAW

Review of intended appointment, selected by third party: Sherene Shaw, intended appointee as member, Social Benefits Tribunal.

The Chair: Our first interview is with Sherene Shaw. Sherene is an intended appointee as a member of the Social Benefits Tribunal.

Ms. Shaw, please come forward. Welcome to the standing committee on government agencies. You have an opportunity, if you want, to make a presentation about your background, your interest in the committee. You may have seen the committee before. We'll leave time, then, for members of all three parties to ask any questions about your qualifications and your interest, and we do so on a rotational basis. Any time from your presentation is taken from the government members' time. With our rotation from the last time, today the questioning will begin with Ms. Horwath from the third party. So, Ms. Shaw, the floor is yours, and welcome.

Ms. Sherene Shaw: Good morning, Mr. Chairman and members of the committee. First, I really would like to thank you for inviting me here today and for giving me the opportunity to make a presentation to you in committee about some of my skills and qualifications that I'd like to outline as you consider my intended appointment as a member of the Social Benefits Tribunal.

The experiences that I've gained over the last 20 years, whether as a city councillor, a teacher of adults, a professional speaker, a trainer and facilitator, a business entrepreneur or a community volunteer, have provided me with skills that I believe are uniquely matched to the requirements of this tribunal and skills that I'm confident I'll be able to utilize to the benefit of the taxpayers of our province.

I would like to just take a few moments to quickly highlight some of my skills and experiences that I think are compatible. As I read the information on the Web and other documentation, I read that the primary requirement of an appointed member is to have the capacity to demonstrate analytical, problem-solving and communications skills as you render a fair and objective decision.

I can tell you, as a city councillor for 15 years, I have gained in-depth knowledge and extensive experience as an analytical thinker, as a problem-solver, and during that time I have developed the ability to look at all sides of the issue, the ability to be a good listener and the ability to ask tough, probing questions when resolving disputes between either neighbours, community groups or any other stakeholders coming before city council.

As a city councillor, I've also worked in an environment of fairness and impartiality, where it was essential to be objective and unbiased when making decisions that affect constituents' lives and their well-being. Examples of these range from rendering decisions on planning applications based on the Planning Act or hearing deputations, whether to build a community centre or a local park, or whether to expand a community initiative. In addition, I have also worked in an environment and a framework of government bylaws and government regulations, specifically in the municipal arena under the Municipal Act, the Planning Act and, of course, council policies. So I understand the structures of government, I understand the jurisdictions and responsibilities within government and the role of policy-makers like yourselves versus those who interpret, apply and implement legislation, such as adjudicators and civil servants.

Having served on many committees and boards and as a former chair of the city's race relations and community advisory committee, as the former vice-chair of the TTC and as the city of Toronto's diversity advocate, I've also conducted a number of meetings, local community consultations and information sessions, all of which have enhanced my skills in running efficient and productive meetings, and I think it's taught me how to look for consensus, how to find compromise and how to find compassion in resolving very difficult and contentious issues. I've conducted meetings, I've facilitated workshops and delivered seminar sessions in a variety of settings and environments, whether here in the city, nationally as an executive member of the Federation of Canadian Municipalities, or internationally as the former vice-president of IULA, which is the International Union of Local Authorities.

Moving on, other skills that I have gained come from my business experience as a community college teacher and from being a professional trainer, facilitator, consultant and writer. In my capacity as a community college teacher, I primarily teach success strategies and life improvement skills to students who are on academic probation, as well as being a motivational coach and preparing students who are graduating with job-readiness skills. In the community college system, I've also taught in the police foundations program, teaching ethics, critical thinking and diversity in public administration.

As a trainer, facilitator and diversity consultant, I've worked with a variety of groups organizing and developing customer service strategies and corporate communication initiatives, as well as their strategic planning and diversity and inclusive agendas.

From my business experience, I've also had the privilege of working with many ESL students and groups and a variety of diversity stakeholders, which has helped me to learn how to establish a non-threatening and fair environment, providing others with a safe, comfortable level where they can excel and reach their fullest potential. I do believe these skills will help me in being a good adjudicator for the Social Benefits Tribunal.

Lastly, Mr. Chair and members of the committee, as a community member I have volunteered with many organizations over the last 20 years. Currently, I'm a member of the Trefoil Guild of the Girl Guides of Canada, I serve on the board of the Speech Foundation of Ontario and on the executive of my local parent advisory council, as well as helping a newly created interfaith council group. Currently, I'm more involved in the activities within my birth community. Right now I'm part of the Guyana flood relief initiatives; in fact, we're raising awareness and resources to counter some of the devastation and destruction that's happened over the last two months in that country. So my community participation has really provided me with a keen understanding of local community needs and respectful appreciation of the cohesive strength and the bond that exists between our communities—the community pride that exists, deserving of our respect, deserving of our dignity and deserving of our compassion.

As an appointee, I'd like to be able to apply the current legislation within the Social Benefits Tribunal and do that utilizing sensitivity and respect while assessing the cases that might come before me.

In conclusion, Mr. Chair and members of committee, in essence, after reviewing the requirements for the Social Benefits Tribunal and after comparing my skill sets, I am confident that this is an opportunity for me to continue to make a positive contribution to the taxpayers of our communities and within this province. My reputation for being fair, objective, analytical and open-minded, as well as my excellent communicating skills and strong interpersonal skills, teamed with my long-standing experience as a city councillor, a community college teacher, a professional trainer, speaker and facilitator, as well as my community volunteer experiences and activities, I think have provided me with the foundation and the skills to become a productive, objective adjudicator for the province. So I look forward to your approval today and I welcome any questions you might have. Again, thank you very much for inviting me.

The Chair: Ms. Shaw, thank you very much for the presentation. As I said, questions will begin with the third party.

Ms. Andrea Horwath (Hamilton East): Good morning, Ms. Shaw. I'm looking at your resumé, indicating your current positions with a couple of different community colleges. Are you full-time at Sheridan or Centennial?

Ms. Shaw: No, I'm a part-time teacher.

Ms. Horwath: So after your municipal loss in 2003, you're doing part-time work since then?

Ms. Shaw: I've been doing a variety of part-time work, yes. I was a part-time teacher while on council, at

Centennial, and since then I have included Sheridan within that.

Ms. Horwath: When did you first apply to the—

Ms. Shaw: Oh, gosh. I guess I first applied in March 2004. So it's just about a year.

Ms. Horwath: I have your application in front of me and noted that you applied for many different agencies and boards. Why did you put so many down?

Ms. Shaw: At the time, I applied for those I was more familiar with. I really felt it was important to give committee and the public appointments office some flexibility and some range of what my skill sets would be compatible with, so that they could then have a look at how and where I might be able to best serve in a worthwhile contribution.

Ms. Horwath: I note that the Social Benefits Tribunal wasn't one of the ones you had specifically indicated you might be interested in.

Ms. Shaw: As I said, at the time I was really focusing in on those that I was more familiar with, and I have been more familiar with the Human Rights Commission, being the city's diversity advocate in the past, and more familiar with the Ontario Municipal Board, being involved in planning on council. So I really listed at that time, a year ago, those that I was more familiar with and more comfortable with. Since then, I wanted to make sure I gave committee and the public appointments office some flexibility to see where my skill sets were compatible. I didn't want to be restrictive and rigid in my approach.

Ms. Horwath: But at the time, when you were filling this out, the Social Benefits Tribunal wouldn't have come to mind as something that you had a particular interest in or a particular niche for in terms of your previous experiences and work?

Ms. Shaw: I do have some interest and experience in the Social Benefits Tribunal. In fact, as the city of Toronto's diversity advocate—diversity related to not just race relations but in fact related to the disability community, the gay/lesbian community, the women's community—there was a variety of initiatives that I was undertaking as the city's diversity advocate in disability and just community stakeholders. Getting more involved and being inclusive with them has really been my focus.

Ms. Horwath: Are you aware of the term of this particular appointment?

Ms. Shaw: I believe it's three years.

Ms. Horwath: I believe it's a job for life. I don't think there's actually a limit on the appointment.

Ms. Shaw: I wasn't aware of that.

Ms. Horwath: Can I ask you if there's any connection between yourself and any political party?

Ms. Shaw: Yes.

Ms. Horwath: Can you describe that to me, please?

Ms. Shaw: I have served at the political riding association and have a family membership within a political riding association.

Ms. Horwath: Can you tell me which party that is, please?

Ms. Shaw: The Liberals.

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Ms. Horwath: Was it through your connections with the Liberal Party that you were aware of the opportunities that would be coming forward when they took government?

Ms. Shaw: In fact, no. As a city councillor for the last 15 years, and prior to that being a civil servant, I was aware of the appointments process of all three levels of government: provincial, federal and municipal.

Ms. Horwath: I'm just kind of curious, and it might not really have much to do with this particular intended appointment, but I know, having been a municipal councillor myself, that the timing around the last municipal election and the last provincial election was very close. Is there a reason why you didn't consider, considering all your attachments to the Liberal Party, perhaps running as a candidate in the last provincial election?

Ms. Shaw: At the time, I was serving the taxpayers of the city of Toronto as a city councillor. I had been a councillor for 15 years and was interested in continuing that.

Ms. Horwath: But now you're more interested in provincial issues?

Ms. Shaw: I think I can serve the communities and the province in a different capacity at this point in my life. As a private citizen I'm prepared to expand my skill sets and learn how to do other things, and this would be one of them.

Ms. Horwath: Sure. Just back to the application and the process: Did you have the opportunity to or did you request any letters of support from any of your Liberal connections or friends?

Ms. Shaw: No, not that I can recall. In fact, I have not spoken to many MPs, MPPs, political people, in the last nine, 10 months to a year.

Ms. Horwath: You talked a lot about your broad skill sets in terms of how they might benefit this particular position. But what kind of experience and knowledge do you have specifically with social services and welfare?

Ms. Shaw: As a Toronto city councillor for 15 years, I have been involved with the neighbourhood services committee at city hall, which was basically, as a member of that committee, making decisions and policy recommendations to council about the programs, the social service initiatives, the community programs that came forward at that time, and really being compassionate, being understanding, making objective decisions on initiatives in our community that related to the variety of community stakeholders that we serve in this city.

Ms. Horwath: OK. Just kind of following on that whole policy issue, one of the things that has become very clear, and people would say it's quite obvious, is that the biggest problem in terms of poverty in Ontario is that people, particularly those relying on social assistance, are not even able to obtain basic shelter, and the cost of living is too high compared to what they receive in terms of their benefits. I'm wondering if you are aware of the amount of loss of income that occurred when the

Harris government made the cuts compared to where we are today?

Ms. Shaw: At this point, I don't think I can give you an informed decision. I really need to get more information as a member of a tribunal, to get the training, to get the information I need.

Ms. Horwath: Some would say at this point, in real dollars, it's about a 42% reduction in people's income. So I'm just wondering, would you see that as a problem? Would you see it as something that should be perhaps revisited, the rate of social assistance people are receiving?

Ms. Shaw: Ms Horwath, one of the things I've learned in the last year as a private citizen—yes, I have been on record as a city councillor with many opinions on many issues. As a private citizen in the last year, I've learned how to make sure that the policy-makers make decisions and those like myself in private life at this point—

Ms. Horwath: So you suddenly have no opinion on issues of this importance?

Ms. Shaw: No. I think it's important to have opinions.

Ms. Horwath: But you're not prepared to share them at the committee?

Ms. Shaw: I don't have enough information on the specifics of the legislation. I think you're talking about five years ago or so.

Ms. Horwath: No. I'm talking about right now. Do you think people are receiving an adequate amount of income in social assistance to be able to meet their needs?

Ms. Shaw: I think I'd need to really have a closer look at all of the information before me. I'd like to be able to make an informed decision, as I have done on council. I think it's important to have the documentation and all the information before me before I can make that decision.

Ms. Horwath: No further questions, Mr. Chairman.

The Chair: I'm just going to ask leg. counsel to clarify with respect to the length of tenure on—

Mr. Larry Johnston: Research.

The Chair: Sorry; leg. research. You can do both jobs, Larry; I feel confidence in you.

Mr. Johnston: I'd just draw to the committee's attention that the Management Board directive on government appointees states that the term of appointment must not exceed three years, with a reappointment allowable up to a further three years unless the enabling legislation dictates otherwise. There is no limitation in the legislation for this board—a limitation on the term.

The Chair: So we're all right.

Ms. Horwath: So I was right.

Mr. Lorenzo Berardinetti (Scarborough Southwest): Welcome, Ms. Shaw, to our committee. I just wanted to clarify a few points that were raised earlier by Ms. Horwath. In dealing with people who perhaps were in need of welfare, is it fair to say that you would, as a city councillor, receive phone calls periodically from constituents or residents regarding welfare?

Ms. Shaw: We did receive some phone calls, yes.

Mr. Berardinetti: So you're aware of the process of how to deal with some of these welfare complaints and where to funnel them and where to refer them?

Ms. Shaw: Yes, I am.

Mr. Berardinetti: You're aware of the fact that the city of Toronto had a role in contributing to the welfare process or the contributions that were made, as well as by the federal and provincial governments?

Ms. Shaw: Yes.

Mr. Berardinetti: So then, this appointment is a logical appointment for you to fit into, given the fact that you've had this kind of experience in the past.

Ms. Shaw: Thank you. I think that this particular appointment does provide me an opportunity to really expand on my skill sets. I have been involved as a city councillor within the welfare system, within community initiatives, making sure that our communities had the information and the support they needed. So I think my skill sets will certainly be compatible and will be an asset to this particular tribunal.

Mr. Berardinetti: Is it fair to say that when you're adjudicating, just as you would as a city councillor, whether on the planning committee or the budget committee or any other committee, you will base your decisions on what is best for the taxpayers of Ontario, just as you did for the taxpayers of Toronto and Scarborough?

Ms. Shaw: That basically has been my reputation for the last 15 years as a city councillor with the cities of Toronto and Scarborough. It's really to be objective, to be fair, to be open-minded, to look at all sides of the issues; not to make a rash decision but to make sure I'm reviewing all the information that's before me to provide a decision that I think is fair and open-minded for the taxpayers of our city and our province.

Mr. Berardinetti: Thank you very much. Chair, those are my questions.

Ms. Scott: Thank you for appearing here before us today. You were an executive assistant to a minister, were you?

Ms. Shaw: Way back when, yes.

Ms. Scott: Who was the minister at that time?

Ms. Shaw: Back then? My gosh, we're going back 20 years or so.

Ms. Scott: I believe it was 1987-88.

Ms. Shaw: Back then I was the executive assistant to MPP Ruprecht, who was the parliamentary assistant to Lily Munro at that time.

Ms. Scott: Was he minister?

Ms. Shaw: He was Minister without Portfolio for disabled persons. In fact, he was the first minister appointed at the time to the Office for Disabled Persons to safeguard and look out for the needs of the disabled community. Yes, he was minister.

Ms. Scott: And you haven't had any contact or spoken with him prior to this appointment or to any other—just to clarify.

Ms. Shaw: No, I haven't spoken with MPP Ruprecht probably since last February or March.

Ms. Scott: And you started the process last March, in 2004?

Ms. Shaw: I actually started looking in around February or so and I filled out the application on March 1. So it's been almost a year.

Ms. Scott: Because that's what became available, even though that wasn't one of your first choices on your application?

Ms. Shaw: The Social Benefits Tribunal?

Ms. Scott: Yes.

Ms. Shaw: I was really looking at which tribunal or which way I can make a worthwhile contribution. I didn't want to be rigid, I didn't want to be restrictive in my approach, so I listed those that I was more familiar with.

Ms. Scott: So that became available, and then whom did you speak to after that?

Ms. Shaw: I have spoken with the public appointments office. In fact, I have had interviews. I've had a panel interview with the chair of the Social Benefits Tribunal, and that panel interview included the chair of the Ontario Rental Housing Tribunal, and I believe the third person on that panel was legal staff from the tribunal. So I've had the panel interview. As well, I've had the written interview that went along with that. Then the chair phoned me in December, as a matter of fact. So the process has been quite long and frustrating.

Ms. Scott: But you were just interviewed by the appointments review panel; you had no contact with any cabinet ministers or MPPs?

Ms. Shaw: No, not in the last eight months.

Ms. Scott: Do you know how much the position pays?

Ms. Shaw: I believe it's in the neighbourhood of $67,000 or $68,000. I don't have the exact number.

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Ms. Scott: Maybe I could ask legislative research, do you know what the average term is? They're usually appointed for three years; they can be appointed for one year—or what is the average stay? Do we have any—

Interjection.

Ms. Scott: Not really. OK. I just wondered.

Are you familiar with the Deb Matthews report?

Ms. Shaw: No.

Ms. Scott: OK. Deb had done a report and presented it in December. She's the parliamentary assistant to Minister Pupatello. Anyway, she made some recommendations, and I just wondered if you had been apprised or had seen the report about some philosophical changes that might need to occur.

Ms. Shaw: No, I haven't actually seen the report.

Ms. Scott: Do you have any suggestions of how you'd like to see the system change, the Ontario Works system in particular? Ms. Horwath brought up about money: Is it enough? Is there a whole philosophical change that may need to occur? I realize you haven't got the appointment yet, but you've had a lot of experience in the community.

Ms. Shaw: As a city councillor, I am on record as saying that it's important to have community involvement with the stakeholders when decisions are to be made. I'm really not in the position to make suggestions on something that I haven't read. Really, I'm not aware of all of the information that's there.

Ms. Scott: No, and I realize that with Deb. Just in general, some people say, "I'm out in the community quite a bit and speaking with people." You know, there are philosophies that maybe the money should follow the client, especially with housing needs. Maybe the administration of the system should be different so that we can get people more independent quickly.

Ms. Shaw: As I said, I think it's important to have community involvement in decisions. I really would need to have a more in-depth look as to what the report does suggest.

Ms. Scott: So you haven't seen any people—like, in the community, is there enough adequate housing? It's Scarborough that you live in—is that where you live, Scarborough?

Ms. Shaw: Yes.

Ms. Scott: Being involved in municipal politics, you have responsibility for housing. Are there enough needs in the Scarborough area? Are there large waiting lists?

Ms. Shaw: As I said, as a city councillor my record has reflected that I've always believed we needed to include more community involvement, but we also needed to improve the adequate supply of housing, the infrastructure in communities, public transit, to make sure that there was enough infrastructure to support the communities that were there. So I have had that position in the past, yes.

Ms. Scott: OK. It will be an interesting challenge. I encourage you to look at Deb Matthews's report on it.

Ms. Shaw: I certainly shall. I understand there is a training period, so I look forward to getting more involved in understanding all the in-depth aspects of the Matthews report and also of the tribunal.

Ms. Scott: Thank you for appearing here today.

The Chair: Ms. Shaw, thank you very much for your presentation. I think you probably know we move to our concurrence vote after the intended appointees are all interviewed, so in about 60 minutes' to 90 minutes' time. You're welcome to stay. Make yourself comfortable and enjoy the show.

Ms. Shaw: Thank you, Mr. Chairman. I apologize if my voice is a little up and down. I do have a cold today, but I will try not to be the one sneezing in the back.

The Chair: Didn't even notice. Thank you very much.

SU MURDOCH

Review of intended appointment, selected by the official opposition: Su Murdoch, intended appointee as member, Conservation Review Board.

The Chair: Our next intended appointee is Su Murdoch. Su is an intended appointee as a member of the Conservation Review Board.

Ms. Murdoch, welcome to the government agencies committee. Judging by your neat appearance, you have no relation to Wild Bill Murdoch, a member of the Legislature, I assume.

Ms. Su Murdoch: No, I don't believe so.

Interjections.

Ms. Murdoch: Well, that's good to know.

The Chair: There's a reaction.

Ms. Murdoch, you've been in the audience, so you've seen the process at work. You're welcome to make a presentation about your interest and your background, and we'll begin any questions from the government members at the outset. The floor is yours.

Ms. Murdoch: Thank you, Mr. Chair and members of committee. I'll try to make this brief.

This month is actually the 30th anniversary of the Ontario Heritage Act and it's also my 30th anniversary as a professional practitioner and volunteer in the heritage field. I guess in some ways we're growing old together now.

My first 15 years were spent as an archivist at Simcoe County Archives, which is near Barrie. This is a regional institution that assists quite a range of people—municipal officials, planners, educators, property owners, historical groups and others—but at the core they're advising on matters relating to the history of the county and then on matters that are happening outside of the county and provincially, so that the county can be kept informed.

In 1990, I left the archives to spend more time with my young children, and I also started a heritage consulting business at that time. The cumulative of the next 15 years, as I hope you'll see in my CV, is really a diverse career of architectural and historical research and evaluation, building revitalization projects, education, teaching, advocacy, heritage planning and local history publishing. This has been both for private and public sector clients and also projects that are self-initiated, which is particularly with publishing.

My interest in being appointed to the Conservation Review Board at this time is because the approach to heritage in Ontario is, I believe, very much in transition. As I'm sure you are aware, there are amendments proposed for the Ontario Heritage Act, which is almost at third reading. The proclamation of the provincial policy statement on heritage as it appears in the Planning Act is pending any week now.

The Historic Places Initiative, which is the federal-provincial-territorial partnership on identifying, evaluating and listing heritage properties, is unfolding in Ontario. The building code, other legislative tools—lots of things are being looked at for their effect on heritage resources in Ontario. So there is a lot happening.

I am aware that decisions of the Conservation Review Board are advisory only and that its mandate under the Ontario Heritage Act is restricted to objections under part IV, which is individual property designation, and part VI, which is archaeology. Also, under the amendments to the Ontario Heritage Act, Bill 60, there's a proposal that there will be cross-representation between the Conservation Review Board and the Ontario Municipal Board when it comes to decisions of demolition appeals.

I've watched the Conservation Review Board for a long time in my career, and I really believe the strength of that board lies in the reasoning and the objectivity of its decisions, and then when they present these decisions to the municipal level, it's how these decisions provide broader direction to councils, municipal heritage committees and the public on heritage principles and practice. I think this is particularly critical in this period of transition when a lot of legislation is changing and a lot of approaches are being re-evaluated.

That's why I'm here. I sincerely appreciate the opportunity to discuss my potential for this board.

The Chair: Thank you very much, Ms. Murdoch, for the presentation. We'll begin with any questions from the government members.

Mr. Parsons: We have no questions about Ms. Murdoch's qualifications. They're most impressive.

The Chair: I asked the most important question at the beginning then, I guess, eh, about her relation to the member?

Mr. Parsons: Some of us on this side like Bill. Not many, but—I take that back. Bill is a great member.

The Chair: Great.

To the official opposition, Ms. Scott.

Ms. Scott: I won't ask any questions about Bill Murdoch.

Ms. Murdoch: No relation.

Ms. Scott: Welcome. You certainly have great qualifications. It's great to see you. Hopefully, Mr. Tascona will be present soon, because I believe that you did some work for him in the past.

Ms. Murdoch: When you live in a small city like Barrie for a long time, everyone who's interested in the community gets to know each other. That's how I know Mr. Tascona, and he was a municipal councillor as well. His constituency office is a designated heritage building. I was on a volunteer committee with him on that project.

Ms. Scott: That's great. You mentioned Bill 60 in your presentation. Are you quite familiar with the changes that are proposed in the act?

Ms. Murdoch: I'm familiar with the back and forth of the changes. I've read Hansard, the review of the justice committee. I'm not aware precisely of what they're taking forward for the next reading, but I've been following the amendments up to that point.

Ms. Scott: OK. You had mentioned about the cross-appointment or cross-representation that may be coming down in Bill 60. Would you like to see that? Were you positive toward that?

Ms. Murdoch: The issue of demolition is probably the most contentious in the amendment package. I think it's been a wise decision to choose the Ontario Municipal Board as the adjudicator when those issues are appealed, primarily because everyone knows what it is. The OMB is a familiar process to levels of developers, owners and councillors. I think it's a better choice than the Conservation Review Board, but at the same time I know it's not their expertise to know about heritage legislation and to be able to evaluate a site and the merits of demolition versus retention. So I think it's a good strategy to have cross-appointment.

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Ms. Scott: And that the OMB is the appropriate venue for the appeals?

Ms. Murdoch: I think it is, as opposed to the Conservation Review Board, because of its identity, its higher profile. They will be more contentious cases in demolition, is my expectation.

Ms. Scott: Several church organizations have expressed their concern with the plan to make individual property owners responsible for the cost of maintaining the heritage buildings. I think they're proposing that they'd rather see an arrangement where the community at large would bear some of the responsibility for the maintenance costs or that the government create a fund to compensate property owners. How do you feel about that? Do you think that's a valid concern? I've heard a lot in my area, which has a lot of rural churches.

Ms. Murdoch: If I'm speaking, it's from 30 years' experience and not what I would necessarily say on the review board. The issue of church designation has always been difficult. It actually starts with the congregation. There is a lot of emotion in a congregation over the tradition of keeping a building that has housed, married and baptized generations of families, with Girl Guides in the basement—that tradition. So the whole sensitivity of designation starts in the congregation itself, even before it's a heritage issue or a protection issue for the building.

But churches aren't unique in the sense that they're special to a community. A lot of heritage buildings are very special to a community. I think the problem for churches is the economics of what they do with that edifice when they no longer need it for their own purpose. It's hard to recycle an existing church.

So I'm not sure that there's a need to compensate anyone, necessarily, for maintaining a building, because the legislation doesn't require that they maintain a building beyond what property standards bylaws would require them to do. Designation doesn't make you restore the building; you just continue as a good owner, which you would do whether you lived in a modern building or an old building.

Having said that, the economics are difficult for a church if they need to sell the property. If it's designated, and now we're proposing that we may intercede with issues of demolition—sometimes they need to demolish to build new on the same site or they need to maximize the economics of that property so that they can build another church somewhere else. I think it's a far more complex issue than compensation for maintaining their structure. I really don't believe that's the core of the issue. I think the potential resale and the future of the church building are more difficult to handle than, say, a house or a corporate office. That's what I think.

I'm not sure that in that long, roundabout way I really answered your question. It's not a case of giving them money to maintain their building. It's greater than that.

Ms. Scott: So if a church were to sell right now—

Ms. Murdoch: You need to maximize the sale of that property. It's difficult to recycle a church, as opposed to it being easy to recycle a house or a corporate office. I think that if they really looked deeply at that—the emotion starts right from deciding whether or not to keep the church in the first place, at the congregation level.

Ms. Scott: There actually have been a lot of churches for sale in the last few years. If they weren't designated as heritage sites, then there aren't as many implications. They are selling because of low attendance, water regulations etc.

Ms. Murdoch: Yes. That's true. Some of them are having to demolish their buildings because they need the real estate to build. Having said that, the 1878 Baptist church in Barrie is now a financial institution. I won't say the name of the company, but you go there to learn about RRSPs and all those other things.

Ms. Scott: Thank you for that.

Do you have any comment on historical designations for cemeteries? Is there anything out there right now?

Ms. Murdoch: Again, cemeteries are a sensitive issue. They are governed by the Heritage Act because they're real property. We don't protect buildings; we protect property under the Heritage Act. Really, I don't think that the Cemeteries Act has passed, but there really has been no legislation ever to prevent us from paving over cemeteries. In most cemeteries from the 19th century, if the families didn't move the remains, they stayed, and you find them later. It's really not well handled.

There's huge informational value in a cemetery: names of settlers, where the graves are, the artistic sculpture, the whole connection the community has to that area. I believe they should be designated. I think the sensitivity is that the word "cemetery" does not appear in the act. "Burial grounds" does not appear as words, and the people concerned with their protection would like to see that in the act so they know that's what that means and that they're not just governed by being real property.

Ms. Scott: That's all the questions I have. Thank you for your answers.

Ms. Horwath: I think Ms. Scott did a really good job of outlining and getting some of your perspectives on many of the current issues around heritage preservation. The one thing that I was wondering was if you could describe your personal philosophy on heritage preservation and what philosophy you would bring.

Having been a municipal councillor in a city, Hamilton, where heritage issues were major, I saw a big difference between some of the preservationists—and even some of the people on staff—and how they dealt with the whole issue. Could you describe that?

Ms. Murdoch: In my career I've always approached heritage as being a resource. If that resource has value to the communities, to the people of Ontario, then, like all other resources, you need to have a way to manage that. That's what the Ontario Heritage Act should be doing. So my approach to heritage conservation is as I would approach a resource, and you need the tools of evaluation, of preservation, of mitigation, all those words, right up to the ability to control demolition if something

has extreme significance. Then, on the counter side, you need to have the appeal process so that it's fair. In short, I see them as heritage resources, and you need to manage them.

Ms. Horwath: Can I ask what your opinion is of the trend toward saving façades and tearing out everything else?

Ms. Murdoch: It's not new. For example, if you remove the interior of this building, what have you really got but an outside façade? There are interior designations throughout the province, buildings that are probably more attractive inside than out. The legislation allows that. But I think the first reaction of most people is that we only protect the exterior, and maybe that's because we look to other countries—England, particularly, and the façades program that has gone on there. I think if there's merit, artistic beauty and informational value, it should be more than just a façade at first count.

The Chair: Ms. Murdoch, thank you very much for the presentation. We've concluded your interview. As you probably know, in about an hour's time we'll move to our concurrence vote. You're welcome to stay, but members will vote on the intended appointees.

CAROL S. PERRY

Review of intended appointment, selected by third party: Carol S. Perry, intended appointee as member, Ontario Securities Commission.

The Chair: Our third interview this morning is with Carol S. Perry. Ms. Perry is an intended appointee as a member of the Ontario Securities Commission, a very important agency.

Ms. Perry, welcome to the government agencies committee. You've been with us a while, so you probably know the procedure. You're welcome to make an opening statement about your interest in the position and your qualifications, and then each of the three parties will have an opportunity to ask any questions or offer their comments, beginning with the official opposition, in rotation. The floor is yours.

Ms. Carol S. Perry: Thank you very much. I will take this opportunity to highlight some of my experience and qualifications for this appointment.

You have my resumé in front of you, but I'll give you some of what I consider to be the main highlights. My areas of expertise are in corporate finance and capital markets, which I've developed through a career in investment banking and corporate financial management. For over 12 years, I was a senior investment banker with three different Canadian investment dealers: CIBC Wood Gundy, Richardson Greenshields and, most recently, RBC Dominion Securities. In that role as a senior investment banker, I was responsible for structuring and executing a wide range of financing and advisory transactions. These included public equity and debt financings, private placements, IPOs, fairness opinions, acquisitions and divestitures. My clients were primarily medium and large corporations in the industrial products, consumer products and natural resources sectors.

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Before becoming an investment banker, I worked in the oil and gas and the electrical energy industries, where I held senior management positions in financial planning and control, treasury and strategic operational planning. I actually began my career as a project engineer in the telecommunications industry. I subsequently joined a management consulting firm where I specialized in project management.

During the past five years, I've provided financial advisory services to small private companies. I've also served as a corporate director for both publicly traded and not-for-profit entities, and in terms of the public sector I am a recent past director of the independent electricity system operator.

I currently serve as board chair of St. Joseph's Health Centre here in Toronto and I also volunteer as a member of the education certification committee of the Institute of Corporate Directors.

With my experience and knowledge of finance and corporate governance, I believe I can make a contribution to the work of the OSC.

That completes my remarks.

The Chair: Thank you very much for your presentation, Ms. Perry, and thank you for the extensive CV as well.

As I mentioned, questions begin with the official opposition.

Ms. Scott: Thank you for appearing here before us today. How did you hear about the appointment?

Ms. Perry: I was approached early last fall. I was actually called by a member of the commission, one of the part-time commissioners. She asked me if I had any interest in serving on the OSC and we talked about that. When I indicated some level of interest, I met with the members of the nominating committee of the OSC and then subsequently with the chair and one of the vice-chairs just to talk about the responsibilities, issues and so on. Then I indicated that I was prepared to let my name go forward and I completed my application for the Public Appointments Secretariat, and next I heard that it had gone through cabinet, I believe, and that I would be coming before the standing committee.

Ms. Scott: So someone approached you who was already on the committee who knew you—

Ms. Perry: On the commission.

Ms. Scott: On the commission, I'm sorry, who knew you from before.

Ms. Perry: Yes.

Ms. Scott: Who knew there was a vacancy coming, so it was a personal—

Ms. Perry: Yes. The individual, whom I've indicated as one of my references—in fact her term is ending this year, and so very much in terms of I believe what the commission is looking for is someone with a similar background.

Ms. Scott: Could you share the name of the individual with us?

Ms. Perry: Yes, Terry McLeod, who's currently a part-time commissioner.

Ms. Scott: OK. I have a technical question. You submitted electronically; correct?

Ms. Perry: Yes.

Ms. Scott: Just as a point, I guess there's no date for when you submit electronically. When the forms are filled out, there's an actual date that the application is sent in. That's not for you, just for—I don't know how—maybe we could find out if we could get that changed. Apparently, when they submit the applications electronically, there is actually no date on them. Anyway, that's fine. You said you submitted in the fall last year?

Ms. Perry: I was approached early in the fall.

Ms. Scott: OK, and you submitted then?

Ms. Perry: It was probably somewhere in November-December by the time in terms of agreeing to my name going forward.

Ms. Scott: OK. There's a report of a five-year review committee that contains 95 recommendations. You're familiar with that? One of the most important recommendations is to establish a single securities regulator across Canada. How do you feel about that recommendation and what sort of structure would you like to see or which you think would work best?

Ms. Perry: I read the standing committee's report on the five-year review and I saw some of the commentary and the conclusion. Certainly this has been a topic that has been around for as long as I've been in the industry. I'm personally very much in support of a single securities regulator and a single set of securities laws and a single fee structure, there's absolutely no question.

In terms of the actual structure, I certainly support the idea if we could structure it in terms of some kind of a provincial and Canadian. I've never been convinced, though, that that is going to succeed without some involvement of the federal government to make it happen. So I don't have any fixed views in terms of what the actual structure will be, except a single securities regulator is what we need in this country.

Ms. Scott: It's certainly a complex issue. You're right, I also believe there has to be federal involvement, and probably leadership from there.

Ms. Perry: I believe so.

Ms. Scott: The standing committee on finance and economic affairs has looked at the five-year review and the recommendation coming forward from them was that the adjudicative function of the Ontario Securities Commission should be separated from its other functions. Board Chair Mr. Brown, in the past, argued that the commission's dual role does not create a bias. Do you have any opinions on that?

Ms. Perry: Yes, I do, and certainly this is something I've talked about with the current chair. My interest in terms of joining the OSC is my interest in the policy-making and enforcement area. I really don't have a strong desire to sit in terms of the adjudication panels. That being said, I do realize that until there is a separation, I'm going to have to carry my share of the workload and take certain training and so on. In terms of my view about it, and again reading the comments that came forward to the standing committee, I think ultimately it is the right call. There definitely appears to be some perception of bias. That being said, I think they should be separated in terms of a stand-alone adjudication function—separate in terms of the OSC. I think it will help focus in terms of the commissioners' involvement in the enforcement area where they currently have some limitations because of this dual role.

Ms. Scott: You've said these remarks in Hansard here today, so do you think you'll be able to have influence on the board to get the two separated?

Ms. Perry: My understanding from reading the standing committee report is that that was a recommendation. If my recollection is correct, it was on the basis that if there wasn't, within 12 months, a single securities regulator, or movement in some meaningful way, the recommendation was to move to separating the function. So as a prospective commissioner, I would take that as the starting point as a basis for going forward. I can't comment, obviously, based on the knowledge I have, whether that's a reasonable time frame. I think that's still something I would need more information and briefing on.

Ms. Scott: Thank you for that. Given your past resumé, is there any situation you see where you might be in a conflict of interest?

Ms. Perry: No. I've given that a fair amount of thought. I don't foresee that there are going to be any areas of conflict of interest. In the last five years, as I stressed, really my focus has been in terms of advising small private companies. You should be aware that if I am appointed, one of the things I will have to do is to surrender my registration. My firm is a limited market dealer.

Ms. Scott: OK.

Ms. Perry: So that's one of the requirements to which I've agreed. Obviously I understand why and I certainly would agree to do that. If there were any conflicts that came up going back over five years now when I was an investment banker with one of the major investment dealers, it's certainly something I'd discuss with the chair of the OSC and go from there.

Ms. Scott: Also, you're paid a per diem for this board, but the per diem cost is not listed on the Public Appointments Secretariat Web site. It said, "Paid by the commission." Do you know how much per diem you would be getting?

Ms. Perry: I wonder about this, but my understanding is that there is a modest retainer. I think it's between $10,000 and $15,000; in that range is what I was told. Then the per diems I believe are in the range of about $1,000 a day.

Ms. Scott: The per diem is $1,000 a day?

Ms. Perry: I believe so.

Ms. Scott: So a $10,000 to $15,000 retainer and $1,000 per day?

Ms. Perry: Right.

Ms. Scott: OK. Maybe we'll work on getting more public disclosure of these annual amounts from the government. It's not just the per diem to the individual sitting on the agencies, boards and commissions, that's a political—they're not listening, but anyway it's a political hit for a little bit more disclosure and transparency.

Anyway, thank you very much for appearing here. You're very well qualified and I'll certainly be supportive.

1100

Ms. Horwath: Welcome. Excuse my cold. I wanted to just follow up on some of the recommendations on the five-year review. Ms. Scott started going down that road. One of the other issues that came up is the self-regulating organizations that provide oversight to certain participants: the Investment Dealers Association, mutual fund dealers, RS Inc. The idea is that by having a membership in these bodies, you then will have better compliance, more of a moral suasion of the other members to make sure rules are respected and things are done appropriately.

There has been some concern about a possible conflict of interest that may occur in these situations, and there has been some suggestion that small investor dissatisfaction exists: lots of complaints about stockbroker performance to the IDA, and smaller investors feeling that the association simply looks after its own and that their complaints are ignored.

The committee recommended that, "The government should establish a task force to review the role of SROs"—self-regulatory organizations—"including whether the trade association and regulatory functions of SROs should be separated." Do you have any opinion on that particular issue? Do you support their separation?

Ms. Perry: I don't have any particular opinion that's different. The issue, in terms of separating the regulatory from the trade, is one that is certainly worth taking a look at and reviewing. I don't have an issue in terms of that. It's not an area I am well briefed on, I have to say. I can understand the fundamental issue and the need for doing it, and if the conclusion from the review done by the standing committee is that it warrants taking a look at, I would certainly support that. I think it's timely.

Ms. Horwath: One of the other issues that was raised was the issue of restitution and compensation, and powers to order restitution and compensation. I guess the OSC has no powers to directly order full restitution or compensation to an investor who has been hurt by activities of a market participant. Regulators in Manitoba and the United Kingdom have those powers, and the all-party legislative committee recommended that, "the government work with the Ontario Securities Commission to establish a workable mechanism that would allow investors to pursue restitution in a timely and affordable manner." Do you support that particular recommendation?

Ms. Perry: I have to say that this is an area I am not well briefed or informed on.

Ms. Horwath: That's fine. You have lots of other experience and skill sets, so there's no problem there. I'll skip over that one, then.

The last one I wanted to explore with you is mutual fund governance. We'll see what we can come up with on that one. Currently mutual funds do not have governing bodies the way corporations have boards. This means that unit holders have no direct mechanism to hold mutual fund managers accountable for fund performance. Most investors, whether through their RSPs or directly, invest in mutual funds, not directly in companies. Therefore, for the small investor, again, this is a big issue. The all-party legislative committee recommended that, "The Ontario Securities Commission and the CSA should require publicly offered mutual funds to establish and maintain an independent governance body that provides for substantial investor protection." Do you support that recommendation?

Ms. Perry: I'll just make a comment, because I think it is very topical. In reviewing the standing committee and the comments that were made in presentations, to me the issue in terms of the concept of having some kind of independent governing body, on the face of it, I would certainly support. I think the issue people are struggling with is, what does that actually mean? When we talk about "substantial investor protection," what do we actually mean by that? The rights of termination are clearly where a lot of discussion is focused right now. Does that mean extending beyond things like self-dealing and so on? Does it extend to poor performance? I think the rights of termination and the basis for it, and defining what we mean by an independent governing body—I think that's where the discussion really has to reside. I don't, at this point, have a view on that, other than that I certainly would support the principle.

Ms. Horwath: I didn't have any other particular questions. Those were the ones. Thank you for the opportunity.

The Chair: To the government members? None. Thank you very much, Ms. Perry, for the presentation. Please stick around; we have one more interview before we move to the concurrence votes.

MAXINE COOPERSMITH

Review of intended appointment, selected by official opposition party: Maxine Coopersmith, intended appointee as member, Cancer Care Ontario.

The Chair: Our fourth interview today is Maxine Coopersmith, an intended appointee as member of Cancer Care Ontario. You've been in the audience, so you've seen the procedure here. You're welcome to make a presentation about your interest in Cancer Care Ontario and your qualifications. We will begin any questions we have with the third party. Ms. Coopersmith, the floor is yours.

Ms. Maxine Coopersmith: Thank you, Mr. Chair and members of the standing committee. I am pleased to appear before you today to provide you with a brief

overview of why I am seeking this opportunity to serve as a member of Cancer Care Ontario. My life has been interesting, so it will be difficult to give you a short synopsis, but I will try to demonstrate through it why I believe I'm qualified for this appointment.

I'm sure each one of us here has in some way had cancer touch our lives. For me, cancer first touched my life when I was 10 years old and my mother was diagnosed with breast cancer. She died three years later.

Several years later, while I was completing my bachelor of science degree, I was given the opportunity to study for two years in the field of cytology. For those of you not familiar with this area of study, cytology involves the microscopic examination of cellular material to detect benign and malignant lesions. I enjoyed a very successful 12-year career as a cytotechnologist working in pathology departments of hospitals, progressively taking on higher levels of responsibility. This certainly has provided me with an understanding of cancer and the disease process.

As a cytotechnologist, I reached out into my professional community. I was founder and president of the Toronto Society of Cytology, and I served on the executive of the Ottawa Academy of the Ontario Society of Medical Technology.

In 1984, I enrolled in the master's in health administration program. After one term of study, from which I gained an appreciation of Canada's health care system, I transferred to and obtained my master's in business administration. I then entered the world of workplace injuries and diseases, including managing occupational diseases for the Workers' Compensation Board in Nova Scotia.

While I was working there, I was given the opportunity to attend law school part-time at Dalhousie University. When my husband's employment moved us to Toronto, I completed my law studies at the University of Toronto, following which I clerked in Ottawa at the Superior Court of Justice.

In the summer of 2000, we moved to the Hamilton-Burlington area, and within months my husband's and my life changed dramatically as he was diagnosed with cancer. He underwent his first course of treatment, and within months of his recovery his cancer returned. He underwent another harsh course of treatment; once again, within months, his cancer returned. He then entered a very lengthy and severe clinical trial that included high-dose chemotherapy and stem cell transplants. Finally, for over a year now, he has been cancer-free.

My husband is my inspiration. Without his positive attitude and determination, coupled with the care and support of the wonderful individuals in Ontario who provide cancer treatment, I don't know how we would have gotten through those rough years. Cancer Care Ontario guides the system of cancer care in Ontario that saved his life. My husband and I look forward to many more long years together.

During my husband's illness, I reached out to somehow help in the cancer community in the Hamilton-Burlington area, and in 2002 began my involvement in the Wellwood Resource Centre, first as a member of its program committee and later on its board of directors. Wellwood Resource Centre is a wonderful organization of dedicated individuals who provide supportive care and programs for people and their families who have been touched by cancer. In 2003, I was asked to join the board of directors of what was then the Hamilton Regional Cancer Centre Foundation, now renamed the Juravinski Cancer Centre Foundation.

1110

Professionally, I'm a lawyer in the Hamilton office of the law firm Gowling Lafleur Henderson, where I practise mainly in corporate commercial law, wills and estates, and a small amount of municipal and employment law. As a lawyer, I have again chosen to reach into my professional community, and I serve on the board of trustees of the Hamilton Law Association.

Now, there's a plethora of reasons why I wish to serve as a member of Cancer Care Ontario, and I think my life experience speaks to that. More recently, I was alongside my husband as a consumer of cancer care and treatment in Ontario, and I saw the system's strengths, and I saw some of its weaknesses.

The principles governing the appointment process also take into account that the person selected must reflect the true faith of Ontario in terms of diversity and regional representation. I did not notice many women on the board, and I don't mean to turn this into a gender issue. However, I do believe that diversity in gender representation contributes to enhancement of the board's perspective on many issues.

I also see no board representation from the central west region—Hamilton, Burlington, Brantford, St. Catharines, Niagara area—and I hope your endorsement of my appointment to Cancer Care Ontario will serve to fill that void.

These are especially challenging and critical times for health care in Ontario and, in particular, for cancer care. In order to facilitate the provincial government's health care agenda, Cancer Care Ontario needs to make the best decisions possible, in the best interests of the people of Ontario—decisions, as we all know, that must address many vital and competing interests.

I believe I can contribute a range of expertise to Cancer Care Ontario policy development and analysis, strategic thinking, research, and informed decision-making. I believe I'm dedicated and well qualified to face the many challenges facing Cancer Care Ontario. I ask for your concurrence on my appointment as a member of Cancer Care Ontario.

I welcome your questions. Thank you.

The Chair: Thank you very much, and thank you also for sharing your personal story—very moving.

Members of the committee, beginning with the third party.

Ms. Horwath: Good morning, Maxine. Nice to see you.

Ms. Coopersmith: Good morning.

Ms. Horwath: I'm certainly supportive of your appointment, but I'm going to ask you a couple of questions. I think you'll make an excellent addition, actually.

I just wanted to talk to you a little bit about the Cancer Quality Council of Ontario's report on waiting times. I don't know if you're aware of that report.

Ms. Coopersmith: I have not studied it extensively, but I am aware of some of the issues of waiting times, in particular in the Hamilton area.

Ms. Horwath: Do you have any particular suggestions that you would be able to put out there that would address some of the waiting time problems that we have right now?

Ms. Coopersmith: I think I would like to study that issue a little bit more. As we know, there are certain initiatives that are being put in place. Dr. Alan Hudson is addressing a waiting time strategy in more than cancer care. What we're looking at here from a cancer care perspective is to try and lessen the burden on the system by such things as early detection screening programs, addition of resources and innovative ways of approaching cancer care in order to try to bring down those waiting times.

Ms. Horwath: Great. Maybe, then, what I'll do is ask some more detail around the screening programs. There's some controversy around particularly whether or not OHIP should be covering the PSA test for male prostate cancer. Any opinion or perspective on that?

Ms. Coopersmith: I'm not well enough versed on the scientific side of the evidence for or against the costs and benefits of that PSA screening program. So, no, I don't think I could comment on it in an informed way.

Ms. Horwath: OK. Well, similarly, there's been a lobby, the Cancer Quality Council recommending more widespread and accessible screening for colorectal cancer. Any opinion on that one?

Ms. Coopersmith: Yes. As a matter of fact I do, on that one. As we know, Cancer Care Ontario does advocate early detection, and colorectal cancer is the most common cause of cancer-related deaths in non-smokers in Ontario. Ontario has the highest instance of colorectal cancer. Currently, there is no comprehensive colorectal screening program in Ontario. There are various ad hoc screening programs, but they fall far short of constituting a comprehensive province-wide screening program.

There are a couple of ways to screen for colorectal cancer detection: for example, occult fecal blood detection and colonoscopy. While the occult fecal blood testing may be less expensive, thereby making it more available to more people, it's unfortunate that occult fecal blood detection finds cancers. That's when these people then have to feed into the cancer care system. If we move the detection of colorectal cancer upstream, through colonoscopy, for example, we can detect polyps, which are precancerous lesions, and hopefully prevent people from having to go into the already overburdened cancer care system. Unfortunately, they're more expensive, and we don't have those resources—the infrastructure, the human resources—in place right now.

Furthermore, funding for colonoscopy currently exists, it's my understanding, in the global budgets of hospitals. We know that when hospital budgets are in a crunch, the cuts are not going to be to treatment but to preventive measures.

So we really need to find innovative ways to take on initiatives such as this, and I'm sure there are other worthy ones. I only have questions; I don't have the answers at this time. Can we establish a screening program for colorectal cancer using colonoscopy outside of the global hospital budgets? Can we, for example, put technical fees in place and instead allow independent facilities to undertake these initiatives, of course, bound by independent health facility protocols and standards?

Those are some of my thoughts.

Ms. Horwath: Excellent. Very good. I have one last question. It's kind of even more upstream than the colorectal cancer issue, and that's the issue of exposure to carcinogens. Some would say that it's not even a matter of detecting the cancer, it's a matter of preventing the cancer.

Ms. Coopersmith: Yes.

Ms. Horwath: Can you give me any opinions you might have on that?

Ms. Coopersmith: We obviously know that, despite many decades of the tobacco industry denying that cancer was caused by smoking, there is an exposure. There is some prevention that we can take there. I do know, from my work in cytology, as well as subsequently managing occupational diseases at the Workers' Compensation Board, that there are workplace exposures. We need to put in place, and we do have in place, preventive measures, protective equipment etc., and we really need to make sure that those are enforced and monitored and updated as more and more scientific information discloses issues.

Ms. Horwath: But at this point I don't believe that the WSIB actually tracks the incidence of workplace-related cancer, or at least doesn't track the number of workers that are getting cancer, whether or not they're, at this point, considered to be workplace-related. Wouldn't you see that as one of the ways to start to get the body of evidence required to start making those connections a little bit more clear?

Ms. Coopersmith: I believe that there are many sources where we can gather statistics, data, research and put together the big picture of exposure, whether it's in the workplace, whether it's in the sun exposed to UV etc. I recall, for example, when I worked for WSIB in Ontario—I did work at the board here as well as in Nova Scotia—an obvious workplace exposure caused mesothelioma, and of course, that was asbestos workers, and we learned our lesson, sadly, from that type of exposure. As a result, measures have been put in place in the workplace whenever there's any disturbing of asbestos and asbestos exposure. We learn as we go. Whatever source we can use to gather that information to help us

learn and improve and ease the burden on the cancer system, I'm for it.

Ms. Horwath: Thanks, Maxine. Say hello to Barry for me.

1120

Ms. Coopersmith: Will do. Thank you.

Mr. Parsons: We have no questions, but I'd like to explain why. We continue to be overwhelmed with the quality of people who come forward to let their names stand to serve the province. The four of you this morning are no exception. So thank you for volunteering.

Ms. Coopersmith: Thank you.

Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford): Thank you for coming today. I appreciate it.

We had a visit in my riding a week or two ago from the executive team chair for Cancer Care Ontario, Terrence Sullivan. He had some very interesting comments when he went through the Royal Victoria Hospital, which is trying to get a cancer care centre and was referred to in the Cancer Care Ontario report, which I imagine you've read; have you?

Ms. Coopersmith: I have read some of the executive summaries of several reports and I've read some—

Mr. Tascona: The most recent one.

Ms. Coopersmith: —which was the cancer plan, for example.

Mr. Tascona: I'm not asking a question on that, but the most recent one commented about the need for cancer care facilities, in particular at Royal Victoria Hospital in Barrie and also Southlake Regional Health Centre, which is in Newmarket. Mr. Sullivan was very candid in his views about the need for closer-to-home cancer care service and the need for it now, as opposed to waiting. I would hope, if you take anything away from today—I believe that you sincerely are motivated in terms of serving on Cancer Care Ontario. But I think there is also an issue in terms of making sure that the services that are needed happen quicker and that the government is made aware in the strongest possible terms, recognizing your mandate, that there is need not only in your area, of course, but also in other parts of the province in terms of the growing number of cancer cases.

At Royal Victoria Hospital we provide chemotherapy services. Unfortunately, the new facility has grown by almost 10,000 square feet because it serves people up to the Muskoka area, though Sudbury does have radiation services. But between Sudbury and Princess Margaret Hospital and Sunnybrook, there are no cancer care facilities in terms of radiation treatment. Cancer Care Ontario points out the need for that service to be provided north of Highway 7. If I leave anything with you here today, during Terrence Sullivan's visit he was very clear about the need for it now. Obviously, there are priorities within the government. I think one of the great priorities, as opposed to casino expansions, which we heard about yesterday, is the expansion of the money that's needed for our cancer care facilities throughout the areas that have been identified. I think there were five areas that were identified. The timing of it wasn't really acceptable.

I want to bring that forth as a member who represents both of those areas. We do have an urgent need. That's one reason why I felt that you should be called, because you have to be made aware of what members are thinking and what's happening and the need that is prevalent now. People who are suffering from cancer are taken away from their parents, their family. It's not easy, let alone dealing with the disease.

So I want to leave that with you. If you want to comment on that, feel free.

Ms. Coopersmith: Just a very short personal comment. Ms. Horwath is quite aware of my husband's and my ordeal with his cancer in the past few years. Ms. Horwath was a member of municipal council when my husband worked for the city of Hamilton, so that is our connection here.

On his third try at getting rid of his cancer, there was a clinical trial that was available. It was not available in Hamilton. Our commute was to Toronto. For those of you who have tried to commute back and forth in traffic across the highway between Hamilton and Toronto, you may as well have been way up north trying to get to Toronto for services. At one point in his treatment, he was admitted as an in-patient at Sunnybrook Regional Cancer Centre for a month. At that time, the impact on me, as his family member, was that I took an entire month's leave of absence from my law practice. So I certainly can understand the need for health care, for cancer treatment close to home. Thank you for your comments.

Mr. Tascona: I just wanted to thank Terrence Sullivan too, the executive team chair, for visiting our area.

Ms. Coopersmith: Yes, he's very dedicated.

Mr. Tascona: I certainly extend that invitation to any of the members who are going to be on Cancer Care Ontario.

Ms. Scott: Thank you for appearing here today and for wanting to sit on Cancer Care Ontario. I hear you come with a lot of passion to try and solve some of the problems that are out there.

I was going to touch upon some of the drug availabilities. You mentioned you had to travel to Toronto, but there was a drug in the United States, Rituxan, that Canadians had to go over and purchase there. I don't know if you know it, but it's used to treat lymphoma cancer. Cam Jackson, a colleague of ours, raised it in the Legislature, and then it became available in Ontario to our cancer care patients. Do you have any comment about how we could speed up the process of drugs being made available?

Ms. Coopersmith: I know there is a limited pool of money. These cancer drugs, as they're developed, are quite expensive. As far as Rituxan is concerned, I know you have to qualify. There are criteria to qualify in order to obtain it as a treatment for lymphoma. I've been through a personal experience with my husband with that

drug, so I speak again from experience. He did qualify, and part of the clinical trial, which was the third attempt, was a course of Rituxan prior to the transplant and then post-transplant. Had he not qualified—in the United States, for example, that drug would have been the drug of choice, but maybe in Ontario it wasn't because of limited resources and having to qualify. I don't know. It's an overburdened system. I don't have the answers.

Ms. Scott: Thank you. You pronounced it much more correctly than I did.

The recommendation from the Cancer Care Ontario report, I believe, was an extra $600 million in the next three years to address some problems. Do you have any comment? Do you think that's enough money? Do you have anything? Is that an appropriate request?

Ms. Coopersmith: I don't have enough information to make an informed comment on that, but certainly money is one of the resources we need.

Ms. Scott: We were talking about locations for cancer care treatment facilities. Do you know enough of what's available in the province to say where the areas of highest need are?

Ms. Coopersmith: No, I don't, not at this point. I know there's going to be a very steep learning curve, should you concur with my appointment to Cancer Care Ontario, on a lot of the issues. I've gone part way up the curve. There's a long way to go and to continue along.

Ms. Scott: Just to reinforce what my colleague has said, coming from a rural riding there are certainly challenges. Thank you for appearing before us today.

The Chair: Ms. Coopersmith, thank you very much for the presentation. Please stick around for a little bit.

We will now move to the concurrences vote. The interviews are complete. We will now, in order, consider the intended appointment of Sherene Shaw, intended appointee as member of the Social Benefits Tribunal.

Mr. Parsons: I would move concurrence.

The Chair: Mr. Parsons has moved concurrence. Any discussion?

Ms. Horwath: Mr. Chair, at the beginning of Ms. Coopersmith's comments, Mr. Parsons from the Liberal Party indicated there was a roster of extremely well-qualified candidates today. I would agree, except for the first one, unfortunately. I think it took Mr. Berardinetti to intervene to let the intended appointee understand how her role might have actually helped with her appointment, and I was not comfortable with her ability to answer the questions. Even within the context of her municipal experience, it was quite awkward, from my perspective. So I'm not going to be able support that appointment.

The Chair: Thank you for the points. Any further discussion or debate? Seeing none—

Ms. Scott: Recorded vote.

Ayes

Berardinetti, Gravelle, Orazietti, Parsons, Smith.

Nays

Horwath, Scott, Tascona.

The Chair: The motion is carried. Congratulations to Ms. Shaw, who did stick around with us for that, those 90 minutes.

1130

We will now consider the intended appointment of Su Murdoch, intended appointee as member of the Conservation Review Board.

Mr. Parsons: I move concurrence.

The Chair: Mr. Parsons moves concurrence. Is there any discussion on Ms. Murdoch's intended appointment? Seeing none, I'll call the question.

All those in favour? Any opposed? It is carried. Congratulations to Ms. Murdoch on her appointment.

We will now consider the intended appointment of Carol S. Perry, intended appointee as a member of the Ontario Securities Commission.

Mr. Parsons: I move concurrence.

The Chair: Mr. Parsons moves concurrence. Is there any discussion? Seeing none, I'll put the question.

All those in favour? Any opposed? It is carried. Congratulations.

We will now consider the intended appointment of Maxine Coopersmith.

Mr. Parsons: I move concurrence.

The Chair: Mr. Parsons moves concurrence on her intended appointment as a member of Cancer Care Ontario. Is there any discussion? Seeing none, I'll put the question.

All those in favour? Any opposed? It is carried. Ms. Coopersmith, congratulations, and thank you for sticking around.

COMMITTEE BUSINESS

The Chair: We now will move to other business. Ms. Scott did indicate that there was an item for other business.

Mr. Tascona: Two items, Mr. Chair. The Public Appointments Secretariat Web site has a form called the personal and conflict of interest disclosure statement that needs to be filled out. I'd like to know which potential appointees are asked to fill this out. Is it only from adjudicated boards or does it also include operating agencies? Could I get an answer to that?

The Chair: Would legislative research know off the top of his head?

Mr. Johnson: I'm sorry, I can't hear.

The Chair: There's a form on the Web site of the Public Appointments Secretariat.

Mr. Tascona: It's a personal and conflict of interest disclosure statement. Can they respond in writing to that request?

The Chair: We'll make that inquiry.

Mr. Tascona: The other one also asks the Public Appointments Secretariat, when applications are submitted electronically, to make sure there is some way to

track the date the application was submitted. That information is provided on forms if they're filled out by hand. I would think it should be available for electronic applications as well.

The Chair: Comments or questions on Mr. Tascona's points? I think you caught us a bit off guard. We will inquire on the committee's behalf and get back to the committee on both of those items with respect to the form on the Web site and the time field on the electronic application.

Mr. Tascona: Thank you, Mr. Chair.

The Chair: No problem. Any other business from the committee members?

Ms. Horwath is in receipt of a letter that the clerk has passed out to all members. This is a response to a discussion the committee had I believe back in December. I'm not sure of the exact date. Ms. Horwath, any comments that you want to make on the letter?

Ms. Horwath: No, just that I think it's important to acknowledge that the minister apologized for any concern her comments may have caused the committee in regard to the process, indicating that she does understand the process but was in a situation where she was excited about being able to get up in question period and respond in a positive way to an intended appointee.

The Chair: Any comments? Great. The Chair does note and thank Minister Chambers for her prompt response to our inquiry.

Mr. Tascona: When's the next meeting, Mr. Chair?

The Chair: Mr. Tascona inquires with his usual enthusiasm as to the next meeting, which I believe is next Wednesday, February 23, same time, same channel. We are in session under the orders of the assembly. So we will look forward to gathering together once more at 10 a.m., Wednesday, February 23. We look forward to seeing you soon.

Folks, the committee is now adjourned.

The committee adjourned at 1135.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 23 February 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 23 février 2005

The committee met at 1035 in committee room 151.

The Chair (Mr. Tim Hudak): Good morning, folks. I'll call the meeting to order. Welcome back to all the members of the government agencies committee. Is Gravelle a regular member of this committee now?

Mr. Ernie Parsons (Prince Edward–Hastings): He's on the committee, but we still sub him on to his own committee.

The Chair: I was going to say, you're bringing in the brass for these sessions.

Folks, we don't have any minutes to review, so I'll start out by seeing if there's any other business that members have before we begin our intended appointees. Any other business?

The clerk gave to members a memo from me stemming from an issue raised by Mr. Tascona on January 11. It explains the procedures we've been using at this committee for a number of years now. If there is something urgent that does come up—if a member has a follow-up question or something like that—I will be asking for unanimous consent to grant that if the member's party's time has expired. So we'll continue to proceed on that basis. We also have, courtesy of Larry Johnston, a correction on Monica Purdy's presentation and on Linda LeBourdais's as well. There's a clarification on their profiles provided for members.

INTENDED APPOINTMENTS

MONICA PURDY

Review of intended appointment, selected by third party: Monica Purdy, intended appointee as member, Social Benefits Tribunal.

The Chair: Seeing no other business, we will proceed with our first intended appointee, Monica Purdy. Welcome to the standing committee on government agencies. Monica is an intended appointee as a member of the Social Benefits Tribunal. Ms. Purdy, I don't know if you've seen the committee before. We invite you to make a presentation on your own background and your interest in this particular position, and then we'll have 10 minutes each for the parties to ask any questions they may have on your qualifications. Any time you use comes out of the government's time, and we'll begin any questions with the third party. Ms. Purdy, the floor is yours.

Interjection.

The Chair: Sorry. This always throws me off. We began the questioning with the third party last time. My apologies. So this time, in honour of Mike Gravelle being here, we're going to start the questions with the government side and then proceed in rotation. Ms. Purdy, you're welcome to take the floor. Thank you for coming to the committee.

Ms. Monica Purdy: Thank you. I would like to thank the Chair and members of the standing committee for this opportunity to address you this morning. My name is Monica Purdy. I was born in rural Jamaica and educated in Canada. I came to Toronto and entered the health care field, where I've worked as a registered nurse for the past 20 years.

My career began with a diploma from the Niagara College of Applied Arts and Technology, and I have since worked full-time and attended school part-time to complete a bachelor of science in nursing from Ryerson in 1997 and a master's degree in nursing from the University of Toronto in 2002.

I worked for 15 years at Toronto East General in various staff nurse positions, including the IV team, oncology and outpatient areas. There I gained invaluable experience on the front line. In the past five years, I have worked as a manager in the rehab setting and in information technology.

My experience as a nurse over the years has provided me with a repertoire of skills which include greater awareness and more active involvement in the political process. My run for political office in the provincial election held October 2003 as a Liberal candidate in Beaches–East York further contributed to my desire to serve the public and make a difference in any way that I can. It might also be of interest to this committee that I am not only a member of the Liberal Party currently, but was also a past member of the New Democratic Party.

As a qualified candidate for the position of member on the Social Benefits Tribunal, I come with excellent organizational, managerial and information systems skills that make me a valuable asset in caring for and representing the various communities. I hope to provide a welcoming environment, conduct studies of appeals, ensure adherence to legal requirements and facilitate determination of cases if successful in becoming a member of the tribunal. Whether collaborating, facilitating or negotiating, I can confidently say that I understand and work well with different styles and personalities.

In my role as a board member at the Registered Nurses Association of Ontario, I sit on the LAP committee, which is the legal assistance program committee. My role on that committee is to review applications for legal assistance and to ensure that their applications meet the criteria for obtaining assistance through LAP, as it is commonly referred to.

In addition to my professional experience and academic preparation, I have volunteered in the community as a literacy teacher at Parkdale Project Read, serve as a board member with Jessie's Centre for Teenagers and am a member of the parent council at my daughter's public school.

In closing, I look forward to serving as a member of the Social Benefits Tribunal, as I welcome the opportunity to serve the public in a meaningful and respectful manner. Thank you.

1040

The Chair: Outstanding, Ms. Purdy. Thank you very much for the presentation. I will now move to the government members.

Mr. Parsons: You came to the attention of the Public Appointments Secretariat as a result of a recommendation from the Social Benefits Tribunal. I'm wondering if you could describe the process that caused you to be there, and the process they followed.

Ms. Purdy: I applied on the on-line public secretariat Web site and I was called in for an interview with a panel last fall.

Mr. Parsons: They did an interview of five minutes or an hour or—?

Ms. Purdy: It was approximately an hour, I would say.

Mr. Parsons: Thank you.

The Chair: Any other members? I'll move to the official opposition.

Ms. Laurie Scott (Haliburton–Victoria–Brock): Thank you very much for appearing before us today. As a fellow nurse, I'm very impressed with your background. I see that you became politically active, as I did also.

When you came out for the position—it's usually a three-year term for the appointments that are up. Is that what they told you on the interview, that it's usually three years?

Ms. Purdy: It's approximately three years, yes.

Ms. Scott: With the possibility of being reappointed?

Ms. Purdy: Yes. Apparently, you can be reappointed and you go through a similar process again. I'm not sure how that works, once the three years is up, but I know there is a possibility of reappointment.

Ms. Scott: How much does the position pay? Did they tell you?

Ms. Purdy: Through my research on the Web site, it was around $68,000.

Ms. Scott: And you applied on-line, did you?

Ms. Purdy: I applied on-line, yes.

Ms. Scott: Did you talk to any MPP or any elected member of the provincial Legislature before applying?

Ms. Purdy: No.

Ms. Scott: You went totally from the referral that you mentioned to Mr. Parsons before.

Ms. Purdy: Right.

Ms. Scott: In your background, I noted that you recently made a presentation on educating nursing students to become politically active. I try to get nurses more politically active also. What kinds of things did you say to them to try to push them to be more politically active?

Ms. Purdy: I just basically told them that if they have a real passion for an issue as a nurse, whether coming across it as a nurse or as a citizen—because they were nursing students—they should pursue it in whatever avenue they could, and that just speaking about it and doing something about it, becoming active, whether through a local organization or through a nursing association or any means, is a great thing for anyone to do. As nursing students, their views are welcome. The public likes and trusts nurses and thinks that they're honest people. Basically, that was what I found out in running, as well, so I did encourage them to take action.

Ms. Scott: You didn't encourage them—one party or the other?

Ms. Purdy: No.

Ms. Scott: OK. I noticed in the last campaign and I don't know if you noticed—wasn't it the ONA that did a mail-out to its members to vote certain ways?

Ms. Purdy: Oh, is that right? I wasn't aware of that. I'm not a member of the ONA.

Ms. Scott: OK, if you're not a member, you didn't know. Do you condone that kind of activity?

Ms. Purdy: My association has been through the Registered Nurses Association of Ontario, and because we're a non-partisan body we will look at the three parties' platforms—actually, whichever parties are running, because in the last election it was more than three. We certainly look at the platform and we educate our members around what the issues are, but we also tell them what our issues are as an organization and educate them around the process in that way.

Ms. Scott: So you don't have to be a member of the ONA. You're still actively nursing?

Ms. Purdy: The ONA is the Ontario Nurses' Association, and that is the union that some members belong to. The Registered Nurses Association of Ontario is a professional body, and it is different. Then there is the College of Nurses of Ontario, which is a regulatory body. So there are three separate entities.

Ms. Scott: OK. My colleague has some questions for you.

Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford): I understand, and you can confirm this, you were the 2003 Liberal candidate in Beaches–East York against Michael Prue?

Ms. Purdy: Right.

Mr. Tascona: The Social Benefits Tribunal is a mediation-arbitration type of tribunal. What, if any, mediation or arbitration experience do you have?

Ms. Purdy: I would say that I do have experience; not direct experience in mediation, formally. But in my role as manager in the past, I was called on to listen to disputes. That could be conflicts between unionized staff members or between staff members and patients and/or their families. It could be between staff and physicians. So in my role as manager, I listen to all sides, collect the facts, make sure people feel they've been heard and if there's a decision to be made, then we make that decision toward resolution or escalation, depending on the circumstances.

Mr. Tascona: Have you ever appeared before the Social Benefits Tribunal in any form?

Ms. Purdy: No.

Mr. Tascona: Why did you express an interest in this particular tribunal?

Ms. Purdy: I feel that I have experience in working with patients who have applied for ODSP. Again, in my work at the Toronto Rehab Institute, many of the clients I work with are like you and me: One day they're able-bodied citizens and are able to provide for themselves and their families, but by virtue of being in a car accident they become disabled and are unable to support themselves or their families. So to integrate back into the community and into their homes, they require assistance. One of the ways they would get assistance is through the ODSP.

Mr. Tascona: How do you think the fact that you've been so actively involved with the Liberal Party, the governing party, impacts your role as a tribunal member? It's a full-time membership and you're supposed to be independent, but you were fairly active with the party.

Ms. Purdy: I understand. I'm currently a member of the party. I'm not active in the party in any way.

Mr. Tascona: You're as active as you can get by running as a candidate.

Ms. Purdy: Well, yes, but that was two years ago.

Mr. Tascona: Did you fill out a personal and conflict-of-interest disclosure statement?

Ms. Purdy: Yes.

Mr. Tascona: You did. We're not provided that information, Mr. Chairman. I understand, to be fair to the candidate, parts of the disclosure statement aren't provided except as determined by the Public Appointments Secretariat and the ministry. So I just wanted to confirm that you did fill one out.

I don't have any further questions, but I'm going to comment on that later in the proceedings, because all we're provided on you is your application and also a brief sketch of your biography. That's far different from the extensive information that is provided on this disclosure statement, which runs for nine pages.

Those are all the questions I have, Mr. Chairman.

The Chair: The third party?

Mr. Peter Kormos (Niagara Centre): Thank you very much. I've got to dine and dash, because I'm not really a member of the committee; I'm just dropping in.

Ms. Purdy: Welcome.

Mr. Kormos: Well, thank you very much. I want to compliment you on a very professional resumé. I'm being straight with you. It's extensive, it's comprehensive and it displays an incredible background. It's refreshing to see patronage accompanied by competence. I have no qualms about patronage, but it's imperative that it be accompanied by competence, and I'm satisfied personally. Ms. Horwath is undoubtedly going to grill you when I leave, but I'm satisfied that you, notwithstanding being a Liberal, will be a capable member of the board.

But I make the reference to patronage accompanied by competence perhaps to contrast this capable candidate with others that the committee will be considering this morning. I'm going to be back, I hope. Thank you, ma'am.

I should indicate the affection that both the Chair and I have for you, because you did your first nursing education down at Niagara College in Welland.

Ms. Purdy: I grew up in Niagara.

Mr. Kormos: I hope you enjoyed it.

Ms. Purdy: I did. I still go back. My family is there.

Mr. Kormos: Great stuff.

The Chair: This is a most important part of your presentation that was left out, so maybe I'll give you more time to talk about life in Niagara.

Ms. Purdy: Oh, any time.

1050

Ms. Andrea Horwath (Hamilton East): Welcome, Ms. Purdy, and thank you for applying for the Social Benefits Tribunal position. I notice that you verbally mentioned in your opening remarks your candidacy in Beaches–East York against Michael Prue, but it wasn't in any of your written documentation. Is there a reason for that? Did anybody advise you not to include that in your written documentation?

Ms. Purdy: No. I don't have that, as a rule, in my resumé. It's kind of hard to fit that in. It's not really work and it's not volunteer. But as a rule, I do not include it in my resumé.

Ms. Horwath: So in terms of your candidacy in that election last time—that was 2003, I guess—did you consider yourself to be a high-profile candidate or just kind of a—

Ms. Purdy: I wouldn't consider myself a high-profile candidate, no.

Ms. Horwath: All right. As you are likely well aware, in the process of reviewing the various nominees—and I think my colleague Mr. Kormos mentioned it—oftentimes there are optics, particularly around the government appointing a lot of their own people, if you want to call it that, a lot of patronage and that kind of thing. What do you think people would see or say around the optics of this particular piece, with you prominently displayed on the front of the magazine that was actually put together—I have copies for people just so you can have a look at these. This magazine is the one where the Premier is so famously signing his pledge to the taxpayers that there were going to be no tax increases under his government.

It's interesting that you're prominently on there. Do you have any qualms about the fact that you're so centrally located on the front of this magazine?

Ms. Purdy: I had no idea. That's my first time seeing that.

Ms. Horwath: This is the broken promise pledge on taxes and service cuts. You've never seen that? You had no idea that you were central in this particular magazine?

Ms. Purdy: No.

Ms. Horwath: Do you have any concerns about people who do have copies of this and then see you as being appointed to the tribunal? Notwithstanding the fact that I agree with Mr. Kormos in terms of your actual abilities and your ability to do the job, do you have any concern about how that looks?

Ms. Purdy: No because, as you say, I do have the ability to do the job, and I feel that my qualifications do speak for themselves.

Ms. Horwath: But people who don't know you and don't have the opportunity, as we do, to review your resumé might have an optic here that it's more about your connection to the party, your connection to the Premier or your candidacy in that riding.

Ms. Purdy: That's fair.

Ms. Horwath: In keeping with this particular issue, the government has been very clear about indicating that there's not very much money to go around, that there's not likely going to be any extra kind of funding available for any significant changes in the way the Social Benefits Tribunal is operated or in fact the way social assistance recipients are dealt with in this province. Do you have any opinions on the situation that exists right now for people who are living on social assistance and ODSP and this particular pledge to not raise taxes and to keep a tight rein on the money and, at the same time, understand that there's a significant problem with poverty in our province?

Ms. Purdy: I understand that there is a need and that a great deal of cases haven't been reviewed. That is why they're looking for members such as myself who might be qualified to sit on that tribunal to help deal with that caseload.

Ms. Horwath: You're very skilled in and experienced in the health care system, in the health care piece. There are lots of opportunities for those types of related appointments. I was interested to see that, rather than applying for one of those types of positions, you applied for the Social Benefits Tribunal. Is there any reason in particular why you chose the Social Benefits Tribunal, which is outside of the health field?

Ms. Purdy: Actually, I have thought a great deal about that. That would be taking me away from health care as I know it and experience it to be. However, if you look at the different and varied roles that nurses play in terms of community health and public health, we do look at what we call the determinants of health, and that includes social conditions as well, and I do bring some of that experience with me to this position. So it's a little different than acute care and working as a nurse right at the bedside.

Also, what I do right now as a nurse is work in information technology. Again, some people look at that and say, "How do you make that leap from front-line nursing into information technology?" But that kind of knowledge is also valued in terms of implementing clinical systems in the environment.

Ms. Horwath: Your resumé indicates Mount Sinai Hospital. Is that where you're currently employed?

Ms. Purdy: Yes.

Ms. Horwath: With this position, you would be leaving the nursing field altogether and more or less working full-time in this position?

Ms. Purdy: Yes, I would.

Ms. Horwath: I think Mr. Parsons was asking about how you came to be aware of this position. Can you explain that to me again?

Ms. Purdy: I applied on the Web site. I received a call from the tribunal staff and I came in for a panel interview in the fall, and then received a call from the standing committee to appear.

Ms. Horwath: Did anybody make you aware that these positions were available or that there was an opportunity, and directed you to go to the Web site?

Ms. Purdy: No.

Ms. Horwath: You just knew that?

Ms. Purdy: Well, yes. I can't remember being told to do that, if that's what you're asking. The knowledge of finding where the Web site is and whatnot was through, I think, a personal friend of mine, a contact. I can't even remember who it was that told me about it.

Ms. Horwath: Because I know a lot of people who wouldn't know the first way—

Ms. Purdy: This was quite a while ago, and I can't remember how I first came to hear about it.

Ms. Horwath: I think you've already mentioned that you're aware of the salary?

Ms. Purdy: Yes.

Ms. Horwath: What would you consider to be some of the key elements in the Ontario Works Act and the Ontario Disability Support Program Act that would be either helpful or problematic in terms of the perspective that you'll bring to your work in the tribunal?

Ms. Purdy: I can't speak on the legislation itself because my first goal, I guess, would be to read it and understand it differently than I do now. So I really have no comment on that.

Ms. Horwath: So at this point, you wouldn't be comfortable because you don't feel that you have a good working knowledge of the legislation that you're going to be dealing with?

Ms. Purdy: Not Ontario Works. I do have more knowledge of the application process for ODSP.

Ms. Horwath: OK. You had mentioned that fact before, but you really don't have much experience with social services or welfare; mostly the disability side?

Ms. Purdy: My experience comes from, I guess, my involvement on Jessie's Centre for Teenagers and work-

ing with teenagers who were on welfare at the time, and just trying to meet some of their needs in terms of being a parent and that sort of thing.

The Chair: It's the last minute, Ms. Horwath.

Ms. Horwath: That's fine, Mr. Chairman. I've covered off all the questions. Thank you.

The Chair: Ms. Purdy, thank you very much for your presentation and for answering the committee members' questions. Where did you live in Niagara, by the way?

Ms. Purdy: Niagara-on-the-Lake, in Virgil. I went to Virgil Public School from grades 7 to 8 for a year and a half. My parents then moved to St. Catharines and I went to Laura Secord.

The Chair: There you go. A nice part of the province.

Ms. Purdy: They're still there in Thorold. They moved to Thorold and then back to St. Catharines. So they're still in that area; they love it.

The Chair: So they're Mr. Kormos's constituents then, if they're in Thorold.

Ms. Purdy: Yes.

The Chair: Ms. Purdy, thank you very much for the presentation and responding to committee members' questions. We have two more intended appointees and then we'll move to the concurrence votes thereafter. So you're welcome to stay and enjoy the presentations. Again, thank you very much.

Before we move on to the next intended appointee, I would remind members that we do try to follow the procedures in the House and that type of decorum. So I have no problem if you're referencing a particular document or calling members' attention to it. I will caution members to make sure they don't enter into the realm of props for a presentation. For procedure before the committee, we will endeavour to follow procedures similar to the House to maintain a good sense of decorum.

JOHN SOLURSH

Review of intended appointment, selected by official opposition party and third party: John Solursh, intended appointee as vice-chair, Financial Services Commission of Ontario.

The Chair: Folks, our next intended appointee is John M. Solursh. Mr. Solursh, thank you very much for coming to the committee today. You are an intended appointee as vice-chair of the Financial Services Commission of Ontario, aka FSCO. Thank you for being here. You were here for the previous presenter, so we'll follow the same procedure. You're welcome to make introductory comments, as you see fit, about your background and interest in this position. Then we'll move to questions from the committee members, beginning with the official opposition. Mr. Solursh, the floor is yours, sir.

1100

Mr. John Solursh: Thank you for inviting me to meet with you this morning. In particular, I appreciate the opportunity to answer your questions that you may have about my qualifications, as well as questions about the role of FSCO, the Financial Services Commission of Ontario.

FSCO is not as high-profile a commission or board or agency as perhaps some others, but it does play a very significant role in protecting a variety of stakeholders in Ontario. It may play a less active decision than some of the other committees and boards you hear from in terms of decision-making, but especially the tribunal does play an important role in that regard.

I understand that you have received and worked your way through my professional profile, and I don't intend to review it, although I'll be happy to answer questions about it. I thought that, instead, I'd just add a few limited comments.

My primary area of practice, before I got into the pension area, was in the tax and the trust area, really for the last 20 years, or the last many years, mostly about 20, almost, in the pension area. So if you add it all together, I spent a lot of years suffering through the practice of law, but my original background was tax and trust law in the case for the pension area, which was really a relatively new area of law. Many of us came from either a tax or trust background, like myself. Others come from a corporate law background. Others still come from a labour employment law background.

I do have the benefit from that background of understanding financial statements, as well as understanding the tax issues that also interrelate into the pension area.

I have acted for a wide range of stakeholders in the field: pension and employee compensation. I thought it might help to give some examples of the kinds of groups that I've acted for. As you would expect, coming from a large law firm, I do act for plan sponsors. I also act for plan administrators under the pension law and under the common law plan administrators. Our fiduciaries, therefore, have to be very aware of their fiduciary obligations. That's where my trust law background, as well, comes in.

I act for and have advised benefit consulting firms, small and large, those that both act for and advise corporate groups and those who act for and advise administrators, as well as those, in some cases, who act for retiree groups or unions.

From time to time, I give advice—and our firm, as a whole, does—on certain multi-employer pension plans, which are boards of trustees of a mix of sponsor and member representatives. I have given advice, on occasion, to a few unions, often more on highly technical-type issues, when asked to do it, but occasionally we are retained on the advice or references from labour firms that act normally for unions to give an independent view to help resolve a problem.

I've also been retained from time to time to give advice to the various departments of the federal government, usually through the department of justice. I have given opinions to the Ontario government, such as to the last government, where I gave certain opinions on a few matters and acted on a public sector plan arbitration.

I've also given advice to the federally appointed judges on a few things, such as their negotiations in the past on their pension entitlements.

My retainers in all these cases were through the civil service on the basis of expertise. They weren't through the political side, as you would expect, considering the mix of times in governments on which I've indirectly given advice.

I have only limited background in the other areas that are addressed by the Financial Services Commission. I do have background because of my tax, estate planning and work in advising plan administrators and trustees—and that's primarily from a consumer perspective—regarding life insurance and annuities, matters of that type, the purchase of fiduciary insurance—so I understand that industry—health and dental etc.

What I don't have, to be very clear about, is knowledge about the accident and home insurance business. It's not an area that I or my firm are really involved in. I can answer questions about that, if that would help.

I do have a lot of experience, as hopefully my c.v. discloses, in the pension area. I hope to make use of that experience, including being on a number of different committees and organizations, to help build a consensus of stakeholder interests in the area and work toward the objectives that are set out in the governing statutes, of acting in the interests of stakeholders and enhancing the protection of plan members etc. in this province.

One thing I didn't mention, to be also open on, is that we have acted for retiree groups—one of them was the Algoma Steel retiree group—as a firm, so we've had a mix of representations from the member side as well.

That's probably more than enough to bore you, for a start. I'm sure you have a lot of questions, so I'm here to answer them.

The Chair: Outstanding, Mr. Solursh. Thank you. We move now to the official opposition. Any questions?

Mr. Tascona: Thanks very much for attending here today, Mr. Solursh. I've got a couple of questions just arising out of your resumé, initially. Currently, you're a member of the Financial Services Tribunal?

Mr. Solursh: That's correct.

Mr. Tascona: And in what capacity as a member?

Mr. Solursh: There are about 12 members now since it was finally filled out. The tribunal includes the chair and the two vice-chairs of FSCO. In that regard, I'm one of the regular members at the present time.

Mr. Tascona: Which side would you be with? Are there different sides?

Mr. Solursh: No, there isn't a side. The tribunal functions on the basis that they'll appoint a group of three people. The big question is looking hard so that we don't have conflicts. That's an issue we can address. We go through a very detailed conflict process, far beyond that of the whole commission as well, to make sure that people involved have neither an actual or perceived conflict of interest, and then try to choose people within that group. I don't know that I'd be perceived, other than coming from a big firm, as being one side or another. I think, when you act on those things, you have to be very careful to side with the law.

Mr. Tascona: The labour board will have union-side members and management-side members. I'm just trying to clarify whether there was—there are just neutral members, is that what you're saying?

Mr. Solursh: I try to stay out of the labour field because I find it very antagonistic. In the labour field, you have the two groups who are constantly battling. I find one nice thing about the pension field is that there can be lots of disputes, there's lots of litigation, but you're frequently acting in a case where there are fiduciary obligations to be addressed. You're trying to come up with the right legal answer.

Mr. Tascona: You were appointed August 11, 2004. Now, this is a part-time vice-chair position that you're moving to?

Mr. Solursh: That's right.

Mr. Tascona: You're going to continue to practise with your law firm?

Mr. Solursh: That's right. I've told my law firm, not just because of this but simply because I'm now 59, that I want to continue to reduce my hours at the firm, and that will free me up for this. This particular role as vice-chair, I'm told, would involve a minimum of four days a month. My guess is it's going to be more than four days. It could easily be a week and a half a month. That will be more than the time spent simply on the tribunal.

Mr. Tascona: Did you complete a personal and conflict-of-interest disclosure statement?

Mr. Solursh: There was none required, no.

Mr. Tascona: You never filled one out for that position?

Mr. Solursh: No. What we do have, and now out, are the conflict-of-interest guidelines that we have within the tribunal. But again, the process is one of disclosing individual or perceived conflicts as they arise. So we do a quick clearance even before anybody starts to act on any particular matter because of the concerns over conflicts. But there was no process requiring disclosure.

Mr. Tascona: With the public secretariat.

Mr. Solursh: That's right.

Mr. Tascona: There have been media reports—you're in this field; you know it fairly well—in terms of the trend of defined benefit plans, at least in the private sector, of employers moving toward defined contribution plans. Are you aware of that?

Mr. Solursh: Very much so, yes.

Mr. Tascona: Why do you think that's happening?

Mr. Solursh: Well, it's happening, I should start by saying, not only in Canada. It's happening in Australia, where there are virtually very few defined benefit plans left, it's happening very heavily in the UK, where I'm getting told the same thing by lawyers and others involved, and it's moving that way in the United States. It's a mix of things. The one thing, and everybody forgets this: in Canada, back in the early 1990s, we changed our tax law, so that in the past, it was clearly far better, in terms of total tax protection, to be a member of a defined benefit plan. You could provide a much higher benefit. That prejudice was eliminated, except for people over

about age 45. So now you can provide a roughly equivalent value of benefit under a defined contribution plan as under a defined benefit plan.

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I think the next stage of this has been the inevitable concerns about liabilities that exist under defined benefit plans. In Canada, there has been a huge amount of litigation in the field of defined benefit plans. It relates, of course, to surplus, which may be a question on your minds, amongst others, but it covers a lot of other areas. Probably the most important one, again, that people tend to ignore is investments. If you're in a defined benefit plan, the employer remains responsible for investments. If the investments go bad, the employer is looking at liability. Even if it has retained an expert, it's probably going to get sued anyway, because the expert may not be worth the money and it'll be a deep pocket. Employers don't need the exposure on the investment side. If you go to a defined contribution plan, the members make the investment decisions. If you give them proper education and proper disclosure, the risk of liability is substantially reduced. In addition, the rules are very complicated for defined benefit plans. The net result is that when you add that and the concerns about taking contribution holidays etc., employers are moving away from it in the private sector. The public sector is a different world. It depends on the union. We're all different.

Mr. Tascona: I appreciate that. In terms of the Ontario protection that's provided for plans, what happens in other jurisdictions in Canada? I don't think the federal government has the same type of legislation for pension protection as we do here in the province. What's the experience of the other jurisdictions?

Mr. Solursh: None of the other provinces has been willing to introduce the pension benefit guarantee fund or any kind of equivalent coverage. In the United States, it's a multi-billion-dollar hole, because they have the Pension Benefit Guaranty Corp. With the airlines and the steel industry and other problems in the States, it's a huge, huge financial issue in that country—the question of coverage and who's going to make up the deficit and what's the level of coverage. Only Ontario has that at the present time in our country. Most other countries that I've talked to don't. We should recognize that some European countries do their funding through insurance, so it's a different world.

Mr. Tascona: What are your comments on Ontario being the only one?

Mr. Solursh: Personally, I think it's an issue that all governments, no matter which government is in power, have to sit down and explore. They've got to talk to the stakeholders, because there's an interesting question of the right balance. There are cost questions, but there are protection-of-the-public questions. Protecting the public is ultimately what pensions are about. Do I have a simple answer? No. Do I expect that as a member of FSCO I'm going to be asked for the major answer? The answer is no. I think stakeholders are very aware of it, and they're consulted. I think the political parties are all very aware of the issue and are probably also going to have to gear up and make some real decisions on it.

Mr. Tascona: Thanks very much.

Ms. Scott: How much time do I have?

The Chair: Just a last quick question.

Ms. Scott: OK. I was going to bring up auto insurance. In the news, we've seen that there have been record profits. The insurance groups seem to indicate that the rate reduction is appropriate. The rates are governed by the Financial Services Tribunal. Do you have any comment about the rate reductions and the profits they're making?

Mr. Solursh: I have a couple of comments. First, the area where I must clearly never have a conflict seems to be auto insurance, as I mentioned earlier, other than to declare the interest that I have: in effect, four cars; two of my children are over 20 and I'm paying their insurance as well. So that's a conflict of interest.

Separate from that, no, it's not a debate that I fail to see in the papers, but I honestly just haven't got around to formulating a view on that issue. I think I'd be very interested to learn about it. As I could see in the papers, I understand that a lot of that decision is probably going to be made at a very senior political level. I can see what was done in other provinces at a very senior level as well. It's a huge financial issue for the average person in Ontario. It's really big dollars.

Ms. Scott: Absolutely. I'll look forward to what proceeds with that, especially in rural Ontario. We all have to have automobiles to get around. We'd like public transit, but that's not coming.

Mr. Solursh: I think I'll look forward to learning about it.

The Chair: To the third party; Ms. Horwath.

Ms. Horwath: Welcome, Mr. Solrush. I wanted to follow up on some of the questions that Mr. Tascona was asking you. I don't know if you're aware, but I've been out for the NDP talking to stakeholders about pension reform in the province. Interestingly enough, I've discovered that both the worker side, or the plan member side, and the other side are very interested in seeing some major initiatives undertaken by the government to deal with some of the outstanding concerns current in the province. Can I ask what you would consider personally to be some of the key challenges facing pension regulators with the current climate in the province right now?

Mr. Solursh: I'll try to address some of those. The first thing, in my mind, is to get ourselves past the obsession on the issue of surplus. Surplus is a very important issue and I don't mean to downplay it, but if we focus only on that issue, which will be dealt with beyond the level of FSCO, we aren't going to get into dealing with what I view as a lot of other major issues in the pension area.

Among the areas I'm glad to see we're starting to address are the defined contribution plans covering a growing percentage of people. All of us who have acted in the area, no matter which side we've acted on, know the pension legislation just doesn't read right on defined

contribution plans. It was drafted for defined benefit plans, and we always have to strain the words to make them work. Since more and more people are going to be covered by DC plans, I think that's an area that needs some exploring.

I think we have to continue to work hard on the area of cross-province regulation, because we're facing a jungle of competing rules, and potentially having to treat members in different provinces differently is administratively difficult and concerning to everybody involved.

The only I thing I'll mention on surplus deals: There is a need for one clear amendment that all the people I've talked to agree on, and that is that the present rule dealing with surplus-splitting—in the event of a plan winding up, surplus ownership is in the regulations. It doesn't work if it's in the regulations. If you only sign up two-thirds of the people to do a deal, the other third may not be bound, we have to go to court, and that's extremely expensive. The federal people put it in the statute. As a non-controversial thing, if people agree on the policy—which I leave to others—I'd like to see it put in the statutes so it works. It's an important area.

I mentioned earlier about the pension benefit guarantee fund and funding shortfalls. That has to be looked at by people around the table here, the different parties. They have to come up with their ideas, and they have to consult with the holders. It's not something that I can come up with an answer on, but it's an important area in terms of coverage and cost.

I think there are technical deficiencies that all parties have agreed have been there in the act over the years; even simple things, like what happens when you wind up a plan and a bunch of people are dead or missing: can you complete the windup by being able to pay it into court, or some kind of process, or to an independent person? The rule isn't there. There are things like that; there are family law-related issues and so on. That's a quick laundry list.

Ms. Horwath: That's good. I'm glad you raised a number of those issues. You probably wouldn't be surprised to learn that, certainly from the worker perspective, the desire to maintain defined benefit plans is extremely high. But would you be surprised to learn that the Association of Canadian Pension Management also believes that defined benefit plans are a better place to go in terms of the future of pensions?

Mr. Solursh: Not at all. I think that the pension—I won't say administrators—plan sponsors would probably like to be able to provide defined benefit plans, if they view some of these issues as being solved; if they weren't concerned with the legal or other issues. It may be an area where consensus can be built.

Ms. Horwath: I'm glad you raised that and put it in that context, because I'm a little bit concerned that there's this desire to throw out the baby with the bathwater, if you will, in terms of DBs; to say, "They're too difficult, it's too much of a troublesome situation, so we're just going to get rid of the DBs and go with DCs, and that's the end of the story." I'm glad to hear that you, as someone involved in this field, recognize that it's a matter of changing the framework that exists to make them effective, if that's the desire in terms of where we want to go with the pension system.

I wanted to ask you a little bit about the Pension Benefits Act altogether. I think you alluded to this in your comments initially, as well as some of your earlier answers. Would you say that now is a good time to open up the Pension Benefits Act and have a serious look at it and make the appropriate changes for the future?

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Mr. Solursh: I think that in the case of legislation like this that hasn't been amended for years—contrasted to other provinces, which have been making a number of technical changes—it is a good time to have a look at the act. Everybody I've talked to from all sides says it has its deficiencies.

I think the interesting challenge, and this is where my hope comes, is that if people can't reach accommodation or understanding on some of the more controversial issues—I'd hate to see the baby thrown out with the bathwater. There are a lot of non-controversial things that, when I talk to people who act, particularly for plan members or unions, we agree on.

Once upon a time we did this in the Canadian Bar Association. We came up with a study that listed a whole series of technical changes that we thought would be useful. It was a mix of all different areas of practice. That was many years ago, and nothing ever happened with it. I think there are a lot of things like that that could be cleaned up. If you are on a tribunal, you can only decide according to the law. You can't bend that law to fill the holes in the legislation. The legislation, at some point, has to be addressed.

Ms. Horwath: Oh, no, absolutely, I recognize that. I'm just kind of probing because of your extensive background on these issues.

I'm actually going to switch over to designated assessment centres. I'm sure you're aware that's part of the oversight responsibility. Do you have any opinion on designated assessment centres and the role that they play currently in the mediation, if you will, or the settlement of disputes around treatment for accident victims?

Mr. Solursh: Regretfully not. It's just an area that I can't offer an intelligent comment on. Being a lawyer, I will often offer unintelligent comments too, but I don't think that I'll offer one on that one. It's too important an area.

Ms. Horwath: OK. That's fair.

Can I ask you then about the situation of MEPPs, multi-employer pension plans? My understanding of the legislation is that currently, when a MEPP is established, there's a requirement that the board of trustees has representation of plan members on it. I was shocked to find out the horrible situation of the United Co-op farmers plan that got changed into a MEPP without the existing beneficiaries knowing. The retirees had no idea that their plan had changed into a MEPP. This was in the early 1990s. The long and the short of it is that the plan

wound up; it was not solvent. Their pensions have been cut to just a fraction of what they should be or what they had thought they would be getting. Unfortunately, the ball was dropped, and when the MEPP was registered, there was no initiative made to ensure that the board of trustees was reflective of what was required under legislation. Do you see that as a role that should be more seriously undertaken by FSCO, in terms of ensuring that, for all of the MEPPs that are registered, the membership is actually in compliance with the legislation?

Mr. Solursh: I'll answer that in two ways. First of all, I can't comment specifically on that case. My firm acts for CIBC Mellon, which is the custodian. I can comment generally about MEPPs. Therefore, I think if you had a chance to ask me another question, you'd ask me more generally what I think and how FSCO deals with it.

I don't know how it was dealt with in this case. I know that in other areas they specifically do, and I thought that in the MEPP area now it requires the completion of information that confirms compliance with the legislation. The present practice, from what I've seen with clients, is to require conformation that things are properly appointed and people are signing and certifying, under penalty of dire things happening to them—their children being thrown away or something like that.

I'll be interested in reading the NDP paper. MEPPs have always been a very different area. They've been excluded from all kinds of rules and protections under the act. When I used to talk to friends who acted for some of the labour firms, they were very opposed to them becoming more regulated under the act. I always wondered if that was right. I always thought that is something that—when I speak to other people in the labour movement, they feel they should be more regulated. So I know there's a dichotomy within the movement, and I think it's one that merits some consideration, because there are a lot of people who are covered under MEPPs and they've basically been under the radar screen.

Ms. Horwath: That's right. Thank you.

The Chair: The government side; Mr. Parsons.

Mr. Parsons: We have absolutely no qualms about this candidate's qualifications. No questions.

The Chair: Thank you very much for your presentation, Mr. Solursh. Are you going to walk away with a smile here? There we go.

Mr. Solursh: I'm going to stand around and listen and check my BlackBerry.

The Chair: Stick around. We have one more intended appointee, and then we move to the concurrence vote. Thank you, sir, for your presentation.

The Chair now does recognize that Mr. Craitor has joined us, the member from Niagara Falls.

I am going to point out too that Mr. Orazietti did not get the red-tie memo today, if I look at his colleagues to his right and his left.

Mr. Tascona: Nice-looking tie.

The Chair: It is a nice-looking tie. Maybe we'll work a trade.

Interjection.

The Chair: We've got the brown—it's Earth Day today, isn't it?

Interjection.

The Chair: I know. Maybe tomorrow for the greenbelt vote.

Interjections.

The Chair: All right. Order. This committee is getting out of hand now.

LINDA LEBOURDAIS

Review of intended appointment, selected by third party: Linda LeBourdais, intended appointee as member, Social Benefits Tribunal.

The Chair: We'll move to our third intended appointee, who I believe is sitting at the back of the room, Linda LeBourdais. Welcome to the standing committee on government agencies. Ms. LeBourdais is an intended appointee as member of the Social Benefits Tribunal.

Ms. Lebourdais, I think you know the procedure. We look forward to your presentation, if you choose, on your interest in the position and your qualifications. Then there will be questions from the three parties, 10 minutes each, this time beginning with the third party, Ms. Horwath. Welcome to the committee, and the floor is yours.

Ms. Linda LeBourdais: Thank you very much, Mr. Chairman. I'm delighted to be here this morning. I'm pleased to have the opportunity to appear before you today and to present myself as a candidate for the Social Benefits Tribunal. As some of you may be aware, during the period from 1987 through 1990, I sat on your side of the table as the member from what was then Etobicoke West and is now Etobicoke Centre. I was honoured to serve as a member of this Legislature and to serve the people of my constituency to the best of my ability.

At this stage of my career, I felt that public service is one way one can give back to the community at large. Although not a social worker by training, I felt that I might be able to give back by serving as a member of this tribunal.

My professional career has been a rather eclectic one, and one that has allowed me to cross paths with many people in many disciplines in both the public and private sectors. During my term in government, I sat as chair of the Ombudsman committee, where we acted as adjudicators for those individuals who had a grievance with the provincial government. I also acted as the advocate for the clothing and apparel industry for the government of Ontario during the free trade negotiations, where garment workers, primarily female and primarily over 50, were being severely impacted by offshore competition.

Following my term in government, I was executive director for a national, not-for-profit organization which provided education and awareness on the issues of child abduction to parents, educators and children, in conjunction with police forces across Canada. I have also served on boards that deal with community and health issues, including the former Queensway Hospital, the

Canadian Festival of Fashion, the Etobicoke Welcome Baby Support Program for expectant mothers, as well as the Etobicoke Sports Hall of Fame. This past fall, I chaired a group of concerned citizens and clergy in assisting Hazel's Hope, an initiative of Mississauga Mayor Hazel McCallion to help children and families with HIV/AIDS in Tanzania.

Beyond the professional and business skills necessary to assist in the adjudication process, what I hope I might potentially bring to the tribunal is an energy and an enthusiasm to tackle the challenges of the position, which I know will be many, with a level of understanding, compassion, fairness and equitability that cannot always be written into legislation and that governs the judgments of any tribunal.

I would also want to assist the tribunal chairman, Chisanga Puta-Chekwe, in his efforts to make the tribunal and its services more accessible to more people, particularly those with English as a second language, in a timely, proactive manner, using every avenue and technology at its disposal.

I wish to assure all members of this committee that I have followed due process by putting my credentials forward in the manner dictated by the tribunal, and then been interviewed by three members of that tribunal, including its chair, none of whom I knew personally.

I appreciate the opportunity to appear before you today, and I welcome any questions you may have.

The Chair: Thank you very much for the introductory comments and presentation. To the third party; Ms. Horwath.

Ms. Horwath: Good afternoon. Is it afternoon yet? No, not quite. Good morning.

I'm just wondering, why would you be in a position of wanting to give up your own business, assuming you're giving up your business, in order to pursue this new path?

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Ms. LeBourdais: My business is, in effect, a virtual company, so I have a variety of associates who can carry on under the corporate name of Mentor Communications.

Ms. Horwath: So you won't be giving up the business per se, but perhaps reducing your particular participation in it?

Ms. LeBourdais: Most definitely.

Ms. Horwath: This is something that people say is a difficult thing, so just from your own personal experience, what was it like to have to transition from being an MPP to private life again?

Ms. LeBourdais: I would have to say it's a difficult one. I think not only from my own story but that of many of my colleagues, it is a difficult one and is never truly handled well by members once they are defeated. I was only in government for three years, therefore the transition was not as difficult as for some who have been here for many years and have held very senior positions. It is a different life in the private sector.

Ms. Horwath: It sounds like you've actually done quite well for yourself in the private sector. What would you characterize as the reasons why you were someone who could adjust well and go on to have a successful full-time new business?

Ms. LeBourdais: I think because I have a fairly entrepreneurial nature. I'm very much a multitasker. I am a people person who does a lot of networking, and for small business, you tend to acquire your business through personal referrals rather than advertising etc. Basically, I think it's been my entrepreneurial spirit that has enabled me to go forward.

Ms. Horwath: When I look at your history, not only as an elected official but also in private business, it's very different from the Social Benefits Tribunal and social benefits issues. What attracted you to the Social Benefits Tribunal? It's so different from what you've done in the past.

Ms. LeBourdais: I think it's because I like helping people. At this age in my life, I often act as a mentor, particularly to young women coming up in the business world. When I began my career, I was very much on the leading edge of my own peer group for getting back into the workplace and really always having a career. I've raised a daughter who, in effect, does the same kind of work that I do; she just does it for a multinational corporation now. So I like giving back and I'm at a stage in my life where I'd like to do more of that.

Ms. Horwath: I find that interesting. I don't know if you're aware of the Matthews report. Are you aware of the report that was done by—

Ms. LeBourdais: Not in depth, but I'm certainly aware of it, yes.

Ms. Horwath: One of the issues that's explored in that report is that there's a real need to provide a range of tools to help people get back to work. Considering your history, I'm wondering if you could comment on what you would see as a way to reduce barriers and provide people who are currently on social assistance, whether they be single moms, for example, or young women—how do you help equip them to get back into the workplace? Do you have any suggestions or ideas on that?

Ms. LeBourdais: If they've come to a phase of their work life that is not good and that has impacted them as far as their sense of who and what they are, that has to be put back in place as the first building block to getting back together. They've got to realize that all people, for whatever reason, change jobs, have been let go for a variety of reasons—may have been laid off, may have been fired—but there are ways to get back into the workplace again; that social assistance is there to help them in the short term, but it's not an end in itself; that there are things out there that can help people get back on track. But they will need assistance to do that, whether that might be child care support or additional training. I believe the stage of a job these days is about two and a half years. Whereas my father worked for one company for more than 30 years, that is just not the way of the world any more. So learning has to be an ongoing process.

Ms. Horwath: OK, so education, child care. Any comments, for example, on health benefits, dental coverage?

Ms. LeBourdais: Health benefits have to be there to help them through those rough patches. We can't penalize a person for being disabled or ill.

Ms. Horwath: Are you aware of the length of the term of appointment that the tribunal brings with it?

Ms. LeBourdais: I believe it's varied, that you serve at the pleasure of the government, if you will, so I suppose a minimum of one year and an extension on that.

Ms. Horwath: So it could actually turn out to be a job for life, as a matter of fact.

Ms. LeBourdais: Potentially.

Ms. Horwath: Are you aware of what the salary is for the position?

Ms. LeBourdais: Yes, I am.

Ms. Horwath: Can you tell me what that is?

Ms. LeBourdais: I believe it's $68,800.

Ms. Horwath: Can you just let me know how it is that you became aware of the opportunity to serve on the Social Benefits Tribunal?

Ms. LeBourdais: I was aware in a very vague sense about government appointments etc., but certainly during my term in office I would have become more aware of it.

Ms. Horwath: So when this government got elected, you saw this as an opportunity to get your foot in the door, more or less?

Ms. LeBourdais: I think it was more a case of where I am in my career. I would not hesitate—and I have come forward when other governments were in power, to speak to them on initiatives as well, so it was not strictly a case of the fact that it happens to be a Liberal government.

Ms. Horwath: So you've applied for different positions through this process with other governments?

Ms. LeBourdais: Not through this exact process, but within government.

Ms. Horwath: Can you tell me what some of those might have been?

Ms. LeBourdais: One was for the chief of protocol position during the Tory government.

Ms. Horwath: I don't think I have any more questions, Mr. Chairman. I don't know if I have any more time, either.

The Chair: You do. You have two and a half minutes.

Ms. Horwath: I do? OK, then I will ask a couple. You talked about your private business right now and how you think that equips you for certain aspects of the tribunal job, but what experience do you have particularly with the fields of social assistance and disability support? Can you give me a thumbnail sketch of your understanding of those systems and what your role will be on the tribunal?

Ms. LeBourdais: I think I mentioned that my background certainly has not been in that area. It's been more of an exposure; for instance, in Etobicoke, when they started the Welcome Baby support program, which puts unwed mothers together and pairs them with mothers who have experience and can guide that young person through the first year of life with a child, to see that they get to doctor's appointments, to see that they tap into the system for any benefits that will help them. And on the board of the Queensway Hospital, again, it's more observation rather than actual practice, if you will.

Ms. Horwath: Would you be surprised to learn that the government, notwithstanding its promise during the last election, has actually refused to get rid of the clawback on the federal child tax benefit? That's one of those tools that would help low-income mums have a better situation for themselves.

Ms. LeBourdais: I can't say I was aware of that specifically. I'm certainly aware of some of the positive initiatives that have been taken by way of increases, opportunities to make it more accessible to the system—

Ms. Horwath: Are you talking about the 3%?

Ms. LeBourdais: Yes—to reach out to disabled people, and also people in areas of the province that are perhaps a little less accessible. I'm encouraged by that.

Ms. Horwath: Did you know there's a CPP clawback on people on ODSP?

Ms. LeBourdais: I didn't.

Ms. Horwath: Would you have any opinion at all as to whether that money should be in the pockets of people with disabilities or people living in poverty?

Ms. LeBourdais: I think I would be ill-advised to make too much comment yet. If I'm successful in obtaining the position, I'm sure that through the training program specifically, and exposure, hopefully I would at a different time be able to give a little more enlightened explanation of that position.

Ms. Horwath: Thank you, Mr. Chairman.

The Chair: To the government side.

Mr. Parsons: I feel a little bit like Alex Trebek, because I'm going to phrase my question in the form of an answer. I believe the term for the Social Benefits Tribunal is three years, with the provision to be appointed for a further three, and Management Board has a directive that limits it to two three-year terms. That has been honoured. Does that sound right?

Ms. LeBourdais: I believe so.

Mr. Parsons: Good. We got a question out.

From our viewpoint, you certainly have both the qualifications and the enthusiasm for this role. We have no further questions.

The Chair: Any further answers? To the official opposition.

Mr. Tascona: The governing party has been very thorough in their questioning, and brief, as usual. I just want to ask a few questions. Thank you for coming here today. I understand you were a Liberal MPP from 1987 to 1990?

Ms. LeBourdais: That's right.

Mr. Tascona: Were you asked to fill out a document called a personal and conflict-of-interest disclosure statement?

Ms. LeBourdais: Yes, I was.

Mr. Tascona: I notice in your application, in paragraph 6, it says that you were a director of the Social Benefits Tribunal.

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Ms. LeBourdais: No, I'm not currently. That is why I'm putting my name forward today, but I'm not—

Mr. Tascona: In the application it says, "Additional information: Include any additional skills or experience that relate to the position to which you are applying," and in your handwriting, it says, "Director—Social Benefits Tribunal." Can you explain to us what that was?

Ms. LeBourdais: That was the position that I'm applying for, if you will—this position. I have not held this in the past.

Mr. Tascona: Oh. So you never did hold the position of director, Social Benefits Tribunal?

Ms. LeBourdais: No.

Mr. Tascona: Perhaps you just misunderstood the question on the form.

Do you have any adjudicative experience?

Ms. LeBourdais: Only in the sense that I sat on the Ombudsman's committee, and I chaired that. Again, that is for people coming to the government with grievances, in effect, in the same way that an applicant might come before the Social Benefits Tribunal.

Mr. Tascona: OK, thank you. I have no further questions.

Ms. Scott: Thank you for appearing here before us today. You mentioned that your company was a virtual one.

Ms. LeBourdais: Yes. By that, I mean no bricks and mortar. My colleagues and I operate from our respective homes and go out to meet the client.

Ms. Scott: You filled the application form out in writing, though; you didn't apply on-line.

Ms. LeBourdais: Correct.

Ms. Scott: You applied on January 21?

Ms. LeBourdais: Yes.

Ms. Scott: This is fast.

Ms. LeBourdais: In 2004.

Ms. Scott: Is it 2004? I can't make it out from here. It looked like 2005.

Ms. LeBourdais: And then the new forms came in, and I was asked to submit with the new forms as well. So I've done both.

Ms. Scott: Because here we just have 2005. That's fine.

One of the recommendations is that the tribunal's Internet site be pledged to give all Ontarians access to information, more communication. Since you have a good background, do you have any opinions on how you could do more public outreach through the development and enhancement of the tribunal's Web site?

Ms. LeBourdais: I know that there is an initiative now to attempt to make the Web site itself a little more interactive. That having been said, I think it would be wrong to assume that everybody is computer literate or that everyone has a computer. I think there's a fine line. We have to use technology for all of the benefits it provides people, but there may be, amongst this particular constituency, a lot of people who don't have access or knowledge. As I say, I think we walk a fine line there to try to assist people in both areas. The more it can be more accessible and user-friendly—Web sites are not always user-friendly and are rather dry, but I think there is an initiative to try to make it not only accessible but more user-friendly, hopefully, to everybody.

Ms. Scott: I wonder if you could just explain to me—I don't know if you know this—when there is an appeal process, who does the appeal for the client? How does it actually work for the client that needs to do an appeal to get through the process?

Ms. LeBourdais: It's my understanding that, although in theory a client could have legal support or legal guidance, they usually don't, they usually do that on their own. I think we have to be very open to just listening to a person's position, and I realize that may be in a second language or with minimal English. I think we just have to make ourselves user-friendly as individuals, if you will, to have people not be intimidated by the system, to just come forward and state their position and their point of view, and then we'll take it from there.

Ms. Scott: I noticed from the information that you were engaged in lobbying before for members of provincial Parliament. Is that correct?

Ms. LeBourdais: I do lobbying on behalf of some of my clients, yes, from time to time.

Ms. Scott: Are you going to be continuing with this lobbying?

Ms. LeBourdais: No. I think that would be inappropriate. Also, the lobbying that I have done at Queen's Park has been in areas such as health and a program for children to teach them how to eat right and to exercise right. Lobbying, as I'm sure you're aware, can be done for all sorts, but in this case they've all been very good causes and usually child- and health-oriented. Not to suggest that other causes don't have merit, but it was within children and health.

Ms. Scott: I know Ms. Horwath was very thorough in asking questions about maybe what changes or what recommendations of some changes you'd like to see—you do have a good resumé and past history—in dealing with poverty, social assistance and a lot of issues. You mentioned nutrition; there are housing issues. Do you have any general recommendations that you'd like to see brought forward or changes made?

Ms. LeBourdais: Well, I've always been a strong supporter of daycare. We've made a commitment in this country to eradicate child poverty, and we're a long way from that. I'd like to see more accessibility and easier access to daycare, more affordable daycare. I've been a strong proponent of that for years.

People have to understand the system. There are a lot of negative feelings toward social assistance, and I think most of it is because people lack an understanding of it. I've always tried to point out to people that the biggest users of social services are children, and then people have no problem with it; that the second-biggest users, I believe, are unwed mothers, and then people have no problem with it; and the third-biggest users are the disabled, and then people have no problem with it. So cumulatively, they don't have any problem with these kinds of people accessing the system, but when they talk about it in the abstract, they talk about it in a very nega-

tive way, in many cases, and I think it's because they don't understand. Yes, there are abuses in the system; there are abuses in any system in both the public and private sectors. I think if people have a better understanding of social assistance and that there are limitations on it, then they'll see that it fills a gap.

Ms. Scott: Do you think they're receiving sufficient funds at present?

Ms. LeBourdais: Probably not.

Ms. Scott: What would you like to see? Can you comment on that?

Ms. LeBourdais: Again, I don't feel qualified to comment, etc. In a perfect world, it would be nice if we all had every base covered, but the pressures on government at all levels to assist in every area—I don't come up with bad causes. It's just a matter that the dollars can only spread so far.

Ms. Scott: Minister Pupatello is the minister responsible for recommending appointments to the Social Benefits Tribunal to cabinet. Have you ever made a financial donation to Sandra Pupatello or Windsor West Liberals?

Ms. LeBourdais: I believe I did.

Ms. Scott: Have you made donations to any other Liberals that you could tell?

Ms. LeBourdais: Over the years, to many.

Ms. Scott: OK. Have you donated to any other party?

Ms. LeBourdais: Probably, if I could remember back that far.

Ms. Scott: OK. Those are all the questions I have. Thank you.

The Chair: Ms. LeBourdais, thank you very much for your presentation and for answering the members' questions. You're welcome to stay. We're going to now move to our concurrence votes. So thank you very much.

Ms. LeBourdais: Thank you very much. I appreciate being here.

The Chair: Outstanding.

Folks, we'll now move to the concurrence votes, now that the interviews are completed. We will consider the intended appointment of Monica Purdy. Monica Purdy is the intended appointee as member, Social Benefits Tribunal.

Mr. Parsons: I move concurrence.

The Chair: Mr. Parsons moves concurrence. Any discussion? Seeing no discussion, I will call the question. All in favour? Any opposed? It is carried. Congratulations to Ms. Purdy on her appointment as a member of the Social Benefits Tribunal.

We will now consider the intended appointment of John M. Solursh, intended appointee as vice-chair, Financial Services Commission of Ontario.

Mr. Parsons: I move concurrence.

The Chair: Mr. Parsons moves concurrence. Comments, questions, debate? Seeing none, I will put the question. All in favour? Any opposed? It is carried. Mr. Solursh, congratulations and continued success as now vice-chair at FSCO.

We will now consider the intended appointment of Linda LeBourdais. She's intended appointee as member of the Social Benefits Tribunal.

Mr. Parsons: I move concurrence.

The Chair: Mr. Parsons, on a roll, moves concurrence. Debate? I'll then put the question. All in favour? Any opposed? It is carried. Ms. LeBourdais, congratulations. We wish you success at the Social Benefits Tribunal.

Folks, that is the end of our intended appointees.

1150

COMMITTEE BUSINESS

The Chair: Mr. Tascona?

Mr. Tascona: I want to raise something that's come out of the appointments review today. Of the three appointments that were brought forth today, Monica Purdy completed a personal and conflict-of-interest disclosure statement. John Solursh did not. Linda LeBourdais did complete a personal and conflict-of-interest disclosure statement. So that follows up on my request last week to the Public Appointments Secretariat in terms of who's required to fill these out because, arguably, the Financial Services Commission tribunal is an adjudicative tribunal, as is the Social Benefits Tribunal, yet one of the candidates didn't have to fill out this disclosure statement.

The disclosure statement, which our committee is not privy to for some reason, contains and requests information on three areas: (1) conflict of interest, (2) the biography, and (3) integrity and public accounting practices. I'm going to read the form here, because it really is another example of truncating the system and removing the review role of this committee. It says:

"The personal information requested on this form will be collected and used by the Public Appointments Secretariat and the ministry that has jurisdiction for the agency you are being considered for, to evaluate the suitability of your potential candidacy for appointment to the Ontario agency, board or commission. This information will not be disclosed except as required for the above-noted purpose."

This is the personal and conflict-of-interest disclosure statement. I would say that we're a part of the evaluation process in terms of the final say with respect to the suitability of an individual candidate, yet the information that we're being provided on this form has been limited to strictly the biography part. And I imagine that part could be vetted in terms of what we're provided by the Public Appointments Secretariat. We're not provided any information on conflict of interest. We're not provided any information on the integrity and public accountability part of the form, which relates to Criminal Code searches, and it has to do with disciplining by professional bodies and being involved in any controversy, subject to public review in which the government may have an interest.

I'm going to make the request to have the Public Appointments Secretariat and, if applicable—I don't

think it would be applicable, because there are a number of ministries. We're provided with the application form. We're provided with a brief description of the biography when we get the initial orders in council, but when we go to interview, we're provided only with the application form. We're provided with a summary of what the tribunal is about, yet we're not provided with the personal and conflict-of-interest disclosure statement, which I would believe we should be entitled to. I would make the request now that we be provided with the personal and conflict of interest disclosure statement from now on, and a supplementary in terms of my request for how it's used.

If this Public Appointments Secretariat is not going to provide it, I want an explanation as to why not and what authority they have not to provide it to this committee, which is mandated to review all appointments, and why that information is being withheld. Because it is being withheld.

The Chair: Any further comments on Mr. Tascona's topic?

Mr. Parsons: Yes. Mr. Tascona has made a request, but I'm sure the previous government had a reason when they established this process that did not provide that information to them. We will certainly look at the history. Mr. Tascona may want to ask some of his own colleagues why the committee you sat on didn't ask for that either.

Mr. Tascona: Ernie, you're like a broken record. The bottom line is, we're dealing with the here and now. I don't know who devised this statement. I've not made any comments. This is not being partisan. I'm asking, to make this committee work—we're trying to make it work—that we be provided with all the information that is necessary to review somebody. Maybe it's a trivial matter to you whether the person has a conflict of interest or whether the person has a criminal record or whether the person has been disciplined by a professional body, especially when we're dealing with people who are going forth to be on adjudicative tribunals. I don't think it's a trivial matter.

You always like to bring up the broken record comments about what happened in the past. The bottom line is, we want to know what's going on now. I don't think it's legitimate for us to make an educated review of anybody if we're not provided the entire record of what's been provided to the Public Appointments Secretariat. I think it's legitimate to ask why not.

The Chair: Any other members—comments, questions? Fair enough. We will pursue those questions with the Public Appointments Secretariat. There was a similar request last week. We're waiting for Hansard to be produced so we can make sure we accurately reflect the points brought up by the committee. Hopefully, we'll produce an answer for members to peruse.

Any other business, folks?

Mr. Lorenzo Berardinetti (Scarborough Southwest): I move to adjourn.

The Chair: Thank you very much, folks. I want to remind you that we are not meeting next week. We will be meeting on March 9 and, unless otherwise notified, same time, same place—sorry, at 10 a.m., our standard time. But the clerk will notify members of the exact details surrounding that. Members may also want to consider, during the intersession between this February and the spring session, as to their availability through mid- and late March.

Folks, thanks very much. We look forward to seeing everybody on March 9. This meeting is adjourned.

The committee adjourned at 1155.

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Intended appointments

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STANDING COMMITTEE ON GOVERNMENT AGENCIES

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Wednesday 30 March 2005

Mercredi 30 mars 2005

The committee met at 1009 in room 151.

SUBCOMMITTEE REPORTS

The Chair (Mr. Tim Hudak): All right, folks, we'll call the meeting of the standing committee on government agencies to order and welcome our members back. We had a very nice Easter session. The Chair did not bring any Easter eggs for anybody. That's the kind of Chair I am. I ate them all.

Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford): They say Michael Prue has all kinds of candy from the Beaches Easter parade in his office. I just got some.

The Chair: He does? I will learn my lesson, then.

Folks, we have a couple of subcommittee minutes to get through. Then I suggest we do our—Jeff, nice to see you—intended appointees and then we'll do other business at the end, since we only have three intended appointees today. OK? Very good.

First, the report of the subcommittee on committee business dated Thursday, February 24, 2005. All members should have a copy.

Mr. Ernie Parsons (Prince Edward–Hastings): I would move acceptance.

The Chair: Mr. Parsons moves its adoption. All those in favour? Any opposed? Those minutes are accepted.

Second, the report of the subcommittee on committee business dated Thursday, March 10, 2005.

Mr. Parsons: I move adoption.

The Chair: Mr. Parsons moves its adoption. Any comments or questions on the minutes? All in favour? Any opposed? It is carried.

As I said, I will send other business to the end of our agenda, after the three intended appointees.

INTENDED APPOINTMENTS

MEL CATRE

Review of intended appointment, selected by official opposition party: Mel Catre, intended appointee as member, Council of the College of Physiotherapists of Ontario.

The Chair: We will proceed with our first intended appointee, Mel Catre. Mel joins us from here in Toronto and is an intended appointee as member of the Council of the College of Physiotherapists of Ontario.

Mr. Catre, welcome to our committee. Thanks for joining us today. As you may know, you're free to make a presentation about your skills and your interest in this particular intended appointment. Then each party will have up to 10 minutes for questions, and any time that is taken up by your presentation comes out of the government members' time. We do follow a rotation, so this means we begin any questioning today with members of the official opposition.

Mr. Catre, the floor is yours. Please proceed.

Mr. Mel Catre: Good morning, Mr. Chairman and members of the committee. I'd like to thank you for inviting me here this morning. I am hoping that I will be appointed to the Council of the College of Physiotherapists of Ontario.

I will briefly provide a bit of my background so that you may better evaluate my appointment to this council. I believe I would make a positive contribution, as well as represent the best interests of the community. By way of background, I was born in the Philippines, went to school there and earned my bachelor of laws degree and my master's degree in business administration. I worked as a partner in the law office of Catre, Cruz and Faylona in Manila and I immigrated to Canada in 1971. That's 34 years ago.

My first job was being appointed to the position of provincial prosecutor of Ontario, assigned at the city hall crown attorney's office. In 1974, I became self-employed and became an insurance agent, then was in management for many years until my retirement in 1999. Since then I have been doing paralegal cases and some insurance opportunities to keep myself busy, coupled with activities in the community and volunteering.

I believe I can be an effective member of the council because of my educational background and community experience as a volunteer for 15 years. For example, from the years 1986 to 1992, I served as a member of the board of directors of Ontario Place Corp., and also as an appointee by the council. I became a member of the executive committee of that board and other committees. In addition, I represented Ontario Place Corp. to sit as a director of the Canadian National Exhibition. It was a wonderful and rewarding experience.

From 1994 to 2000, I was appointed as a member of the advisory council to the chief of police of Toronto. To better understand policing, I personally volunteered and earned a certificate at the civilian police college con-

ducted by the Toronto police. In 1985, I was co-chair of the Scarborough race relations committee. Today, I am the chair of the Community Alliance for Social Justice, an umbrella association of various associations in Toronto.

This appointment, with your concurrence, will give further testament to my willingness to serve. Being a representative of the community, I will be able to articulate concerns that have to be addressed. I will actively contribute management skills acquired in school and years of experience and training. Also, my legal training and experience will permit me to actively participate in the quasi-judicial functions of the college.

The people of Ontario have the right to expect competent and professional care by those who work as professional physiotherapists. The community has the right to be treated with sensitivity and respect. I look forward to the challenges of this appointment. Thank you.

The Chair: Thank you, Mr. Catre, for the presentation and your interest. We begin any questions from the official opposition, followed by the third party, and then the government.

Ms. Laurie Scott (Haliburton-Victoria-Brock): Thank you for appearing here before us today, and welcome. I read through your application to serve on the College of Physiotherapists, and I noticed from your resumé that—I just don't see a connection of why this board. You have a lot of background in the community, and I thank you for your community involvement. But I just don't see the fit with this board in any background that you might have with physiotherapy. What connection do you have there, and how did you hear about the appointment? Why this board?

Mr. Catre: For the first question, I do not have any background technically in physiotherapy. I applied and I learned about this vacancy because seven months ago I sent my resumé to the office of the Minister of Health and the Ministry of the Attorney General. The one that answered just a few months ago was the office of the Minister of Health, asking me if I would be interested and why I should be.

I told him that I'm now a senior citizen, and if you have your kids sent to school and you're retired, the best thing for you to think of is your health. I think it would be a fit for me to work in any of the committees or departments of the Ministry of Health, because I'm interested in health at this time.

Ms. Scott: So you applied just on the Web site?

Mr. Catre: It was on the Web site all this time, the public appointments office.

Ms. Scott: To the Ministry of Health and the AG.

Mr. Catre: The AG, yes.

Ms. Scott: And did you talk to any of the ministers, or any of the ministers' staff, at any point?

Mr. Catre: No. I talked to them when they called me.

Ms. Scott: Who called you?

Mr. Catre: Mr. Dan Carbin.

Ms. Scott: What's his title?

Mr. Catre: I think he's assistant to appointments to public office in the office of the Minister of Health.

Ms. Scott: So you just put your name out there, that you were willing to serve on any board, yet your background—you're a retired lawyer, but you're working as a paralegal at the present time?

Mr. Catre: Yes, to keep myself busy.

Ms. Scott: Was there any reason, when you retired from law that you became a paralegal? Was there anything around—

Mr. Catre: No, it's less work and I'm just taking my time. I get a good pension, and I think I can live on it for the rest of my life. So the only thing missing is something to do that I like to do best, because I want to do it.

Ms. Scott: Physiotherapy's been in the news a lot lately about the delisting of physiotherapy services.

Mr. Catre: Yes, I read it on Good Friday.

Ms. Scott: And now they're going to cover some services. Do you think that's a good idea? Should they have delisted all the services?

Mr. Catre: I think so. I believe that they should, based upon what I read. I'm not technically conversant with that at this time, but as a community representative, it would be good for the community and the people to have that covered. There are exceptions in the new announcement last Friday. However, having said that, it is very good that they took off the delisting previously announced.

Ms. Scott: So you didn't agree with delisting physiotherapy services initially? You're happy that some are back?

Mr. Catre: I'm happy now that there is coverage.

Ms. Scott: There's going to be the age gap between 19 and 65, generally, with some exceptions, that isn't going to be covered with physiotherapy. Do you think that's good?

Mr. Catre: Maybe, maybe not. I'm not conversant with it, but when I get to see the presentations and I get to see the facts of the case, I'll make my judgment at the time. However, from the point of view of a community representative, I think it's good to have coverage.

Ms. Scott: Do you understand the long-term benefits of physiotherapy? It would actually decrease the costs to our health care system if physiotherapy were more accessible. Do you agree with that?

Mr. Catre: I agree with that too, because that's a cost. It's a question of revenue and expense. I think the government is aware that there's not enough revenue to pay for the expense, and they have to look for ways. Whether I agree with the substance of it or not—I do agree, but I do not have the facts with me. I see it, and if there's the rationale behind it that it should not be given at this time because of lack of revenues, then that would also answer some questions.

Ms. Scott: Do you know any physiotherapists? Do you know anything about the college of physiotherapists?

Mr. Catre: No, I don't know anyone.

1020

Ms. Scott: Did you do a little research before you came today of their role?

Mr. Catre: Just a little bit, yes, of course, on the Web site and some books and some legislation—the Physiotherapy Act and the professional health procedural code, things like that.

Ms. Scott: My caucus colleague would like to ask a few questions now. Thank you.

Mr. Tascona: You say you're retired now; you're not a practising paralegal?

Mr. Catre: No. I'm a practising paralegal, but only for good friends.

Mr. Tascona: Oh, OK. Do you have any opinion as a paralegal on the law society regulating your profession?

Mr. Catre: Oh, definitely. I've been there in the field and I think it should be licensed and controlled. It should be regulated. It's not regulated right now.

Mr. Tascona: OK. When you applied, were you asked to fill out a personal and conflict of interest disclosure statement, in addition—

Mr. Catre: Yes.

Mr. Tascona: You did?

Mr. Catre: Yes.

Mr. Tascona: We haven't been provided with a copy of that. Do you know where that information went?

Mr. Catre: I don't know. I don't have a copy.

Mr. Tascona: Did you have any conflict of interest for this particular job?

Mr. Catre: I don't think so.

Mr. Tascona: Did they do any criminal reference checks on you?

Mr. Catre: I hope so. I don't have any convictions or accusations. Not that I know of.

Mr. Tascona: It would have been in the form.

Mr. Catre: Yes, it should be there, but I haven't received it.

Mr. Tascona: That's all the questions I've got.

The Chair: Thank you, folks. To the third party.

Ms. Andrea Horwath (Hamilton East): Good morning and welcome. I just wanted to ask you some questions about the regulatory framework that you'll be asked to work under. Can you describe that at all to me? In your research, did you do any reading up on the various pieces of legislation that affect your role?

Mr. Catre: Yes. Basically, the council is a regulatory body of the physiotherapy associations and organizations of Ontario. They are there to develop, control and manage the affairs of the college of physiotherapy. They are also there to make sure that individual citizens have access to professional care. They have some quasi-judicial functions such as discipline, ethics and licensing registration and de-registration. They are governed under the Physiotherapy Act, and they use the Health Professions Act as part of their procedures and codes too. They have their own bylaws and registrations.

Framework-wise, structurally, I think there is a maximum of 17 members, but not right now. I think six to seven are from their own peers, physiotherapists elected according to the bylaws, and five or six citizen and community reps appointed in council. The rest, one or two, I think, are professors from one of the five physiotherapy teaching colleges. That would be the whole framework.

Ms. Horwath: OK, good. Thank you. Do you have any personal experience yourself with physiotherapy?

Mr. Catre: None whatsoever. Sorry.

Ms. Horwath: All right. I wanted to ask you a little bit about your resumé and your community involvement. You talk about your role with a community organization on social justice. I'm just wondering if you could describe to me the kinds of work that committee does.

Mr. Catre: I'm very encouraged by that group. It is an organization of residents of different communities, mostly Filipinos. We had our first convention and consultation last October 30. The question was, what really are your problems in Canada?

We came out with four directions in which we have been discriminated against. In terms of education and foreign-earned degrees from the Philippines, there are a lot of doctors and nurses running around from the Philippines that should be working as such. We would like to find solutions to that. We also have discovered that we need advocacy groups to advocate issues and concerns. Also, there is discrimination by the police and, lastly, we would like to look at participation and access to different NGOs that are working in the area.

Ms. Horwath: Great. Do you deal at all with poverty issues?

Mr. Catre: Not this committee.

Ms. Horwath: Not through this social justice group.

Mr. Catre: No, not through the social justice group.

Ms. Horwath: It sounded like social justice was one of those groups that tends to focus on that area.

Mr. Catre: I agree, it should be, but that was not the focus and the issues—

Ms. Horwath: No, that's fine. I was just curious.

The other question I wanted to ask you was around, again, the delisting that occurred and then was partially backtracked on by the government at the end of last week. You mentioned in your comments previously that you felt that physiotherapy should be covered by OHIP, that it would be the best of all worlds if that was possible. Does that reflect your position?

Mr. Catre: Yes, subject of course to analysis—if there is enough revenue to pay for it. If I'm on the board, I would have to look at the revenues, I would have to look at a lot of things. I might end up on the other side of the equation. But based on community involvement and from the newspapers I've read—I'm not well-informed on it, and I have to be frank about it—it appears to me that it's a good move. The delisting was not a good move at the time and, fortunately, it has been reversed, effective April 1.

Ms. Horwath: Partially reversed.

Mr. Catre: Partially reversed.

Ms. Horwath: So those people between 19 and 64 who aren't covered by health plans and who aren't able to pay for physiotherapy won't be getting it. Can you tell me if you think that'll have an impact on the broader health care system?

Mr. Catre: I beg your pardon?

Ms. Horwath: Do you think it would have any impact on the broader health care system if people between the ages of 19 and 64 who can't afford it won't have access to it?

Mr. Catre: It will. But right now, there are exceptions to that. If they have been on disability—

Ms. Horwath: No, I know what the exceptions are. I'm asking specifically, do you think there will be an impact on the health care system in a broader sense if people between the ages of 19 and 64 who need physiotherapy can't afford it, and therefore can't access it? Do you think that will have any affect at all on the broader health care system?

Mr. Catre: It will, but not in a wide range at this time. I really don't know; I don't have the facts. For example, how many people are disenfranchised from that? I don't know. How much is the revenue? I don't know. Given that, I'll cross that bridge when I get there.

Ms. Horwath: So you don't have any opinion going in, in this new role where you'll be looking at all of these issues.

Mr. Catre: Not right now at this stage.

Ms. Horwath: I'm quite surprised to hear that, actually. What exactly, then, do you hope to accomplish as an appointee to this council? What is your goal in accepting this appointment?

Mr. Catre: My goal, like any senior citizen who comes in, is to participate and contribute ideas that I have acquired in all these years.

Ms. Horwath: Not so many on physiotherapy, just from your general—

Mr. Catre: From general things. I believe that if the board functions like the board that I've been on before, they present you with facts, they present you with presentations, you can ask all the things you want and make a decision from there. I would gladly do the same thing, if that's the process, and I think it is. I would be contributing my legal opinion and my management opinion—I know how to read financial statements from my master's in business. It would be beneficial for me personally to contribute. I don't want to be running around with preconceived ideas.

Ms. Horwath: I'm sorry. I missed the last part.

Mr. Catre: I don't want to be running around and be a member of a board or a council with preconceived ideas. I have to get the facts first.

Ms. Horwath: Those are all my questions, Mr. Chairman. Thank you very much.

The Chair: To the government side.

Mr. Parsons: Just a comment. I want to assure the candidate that this position you're being considered for is to represent the public on the board, and the lack of experience in the physiotherapy field or the health care field is not, from our viewpoint, a problem. You are to represent the general public, and we think you're amply qualified for that. Thank you.

The Chair: Short and sweet. Anything else? Great.

Mr. Catre, thank you very much for the presentation. As you may know, we move to concurrence as a vote on the intended appointees after the three interviews, so you're welcome to stay and relax and enjoy the show. We'll get to that probably in about an hour's time.

Mr. Catre: Thank you very much.

1030

VANCE BADAWEY

Review of intended appointment, selected by official opposition party: Vance Badawey, intended appointee as member, Regional Municipality of Niagara Police Services Board.

The Chair: Our next intended appointee is Mr. Vance Badawey. Mr. Badawey is of course no stranger, from the beautiful riding of Erie–Lincoln, the former mayor of Port Colborne in the riding of Erie–Lincoln. Would you agree it's the most beautiful riding in the province, Mr. Parsons?

Interjection.

The Chair: Second? Not bad.

Mr. Badawey has been here in attendance. He is an intended appointee to the Regional Municipality of Niagara Police Services Board.

You've seen how it works. You have time to make a presentation about your qualifications and your interest. Any time that you don't take up, the government will have a chance to ask questions as well. We'll do a rotation beginning with the third party. Mr. Badawey, the floor is yours.

Mr. Vance Badawey: Thank you, Mr. Chairman. I appreciate the opportunity this morning to be before you and to speak to you about my experience as well as my intent with the Niagara regional police services board.

My interest in this position began in 1994, upon being elected as a municipal councillor in the beautiful city of Port Colborne. Recognizing the consistent challenges of the service, it became very apparent that it could use a little bit of help from the local sectors to bring it forward with more accountability and credibility, especially in relation to finance and community policing.

During the term of 2000 to 2003, I was appointed to the board by Niagara regional council in my capacity as both mayor for the city of Port Colborne and regional councillor for the regional municipality of Niagara. Upon beginning my term on the board, it once again became apparent that there was a great deal of ground to be made in relation to establishing consistent protocols to address the province's adequacy standards regulations particular to deployment, and in-house challenges in relation to finance, community policing and morale within the rank and file.

The board immediately set an aggressive direction to establish accountable protocols attributed to finance, while reaching out and establishing further relationships with regional council's budget review committee and area municipalities within an expanded community policing program. I had the fortunate opportunity within this

short period of time to learn extensively about policing within the beautiful Niagara region; in particular, the true costs of adequate policing within Niagara, as defined under the province's adequacy standards regulations.

I understand that board members are bound by the Police Services Act, preventing a member from interfering with the operations of the service as established by the chief of police. However, I consider it the responsibility of the board to establish proper policies in relation to where both operational and capital dollars are allocated, in a manner consistent with what the taxpayers in any particular area throughout the province of Ontario expect in relation to a level of service for policing—essentially, accountable reporting by staff of where taxpayer dollars are being allocated, and in a manner relative to Niagara's law enforcement and education environment.

Taking into consideration communications with the general public, a great majority find that policing is effective in Niagara. However, I believe there is room for improvement in relation to: additional communication, interaction and education with the public; traffic safety presentations in area municipalities throughout the Niagara region; immediate implementation of law enforcement initiatives identified in the regional Niagara road safety strategic plan; preparing for the retirement of a great number of officers, in particular an unfunded liability relative to sick time in an amount exceeding $14 million, recruitment efforts, and capacity levels at the Ontario Police College; the need to communicate more effectively with the federal government in relation to border security, in particular as it relates to jurisdiction and funding; a consistent reporting of monthly variances that takes into account and consideration escalating overtime; a deployment strategy that highlights adequacy standards while eliminating the spiralling effects of overtime on both operations and capital allocations; field services and support services, within a central traffic unit in particular, to jointly assume responsibility for traffic enforcement throughout the region; and finally, partnership opportunities with neighbouring law enforcement agencies, eliminating silo services such as the marine unit, video training, canine training, the emergency response unit and HAZMAT.

Upon entering the last provincial election, representing the Erie–Lincoln Liberals, I recognized and learned a great deal about the financial challenges of all levels of government. I therefore believe that accruing a greater return for our taxpayers' investment of their tax dollars is not always about throwing money at a challenge. It is in fact about being diligent within the available resources that exist both within and around our represented organizations.

The residual effect of this effort is synergistic efficiencies that benefit all levels of government from within their established mandate and all area jurisdictions that may be involved, including their established mandate, while assisting with identifying and prioritizing provincial police training and consistency requirements as outlined in the ministry of community services and public safety's policing standards.

In closing, may I once again extend my sincere appreciation for your consideration and that of the committee in allowing me the opportunity to bring my experience, as outlined in my CV, to the board of the Niagara Regional Police Service.

The Chair: Thank you, Mr. Badawey, for the extensive presentation. As I mentioned, any questions begin with the third party.

Ms. Horwath: Welcome. Good morning. It's nice to see you.

I'm wondering if you could in a less formal way explain to me why you're passionate about this position, why you want to take this position on.

Mr. Badawey: There are a lot of challenges, Ms. Horwath. Niagara regional police have met with some volatile situations throughout the past two decades, starting from the top all the way down. Its rank-and-file morale has been low, finance has been somewhat of a challenge, and of course within the service itself throughout the region there has been a great deal of turnaround, a lot of change.

My interest starts from the local level. I see the importance of community policing; I see the importance of police working with youth, working with seniors, all demographics in all sizes of community throughout the Niagara region. It takes that need and that desire from everyone from all walks of life to get involved and bring that experience to the table at the board level.

I'm not a lawyer; I'm not an accountant; I'm not an engineer. However, I do believe that with the interest that I've had in the community, as outlined in my CV, given some of the challenges that they have been up against, not only would the experience that I bring assist, but also the passion of what I bring in terms of the experiences that I've been through with all demographics. With that said, a lot of the challenges can be met up front and head-on by myself and the team that I'll join.

Ms. Horwath: Just remind me: Did you ever serve on the board?

Mr. Badawey: Yes, I did.

Ms. Horwath: So you have some experience of the players.

Mr. Badawey: I served on the board from 2000 to 2003.

Ms. Horwath: One of the things I'm curious about is after your time in municipal politics and then your run for the provincial seat. An article in one of the press releases from the St. Catharines-Niagara Standard says—this is from you—"There's no question I do have an interest in coming back. It's just a matter of where or when." Is this what you thought you would end up coming back as?

Mr. Badawey: One of the advantages—serving the community in general.

Ms. Horwath: So what encouraged you for this specific position? Is it because you had some experience already?

Mr. Badawey: I was aware of the fact that there were some openings that had come up, two in particular. I'd given some consideration to returning to the board, to bring what I had brought and to continue where I left off, to some extent, in terms of the finance and the different committees I sat on. Therefore, I took the opportunity to make application to the Public Appointments Secretariat on-line and was fortunate enough to be called and interviewed, and here I am today for the final step.

Ms. Horwath: In the briefing notes that we get, the ones that are provided from the bureaucracy here, we get a bit of an understanding of what's happening, particularly in these situations, because we're not necessarily aware of what your community is facing. There are a couple of interesting pieces that were provided, and I thought I would just ask you briefly about them.

One is the issue of the number of criminal charges against officers in your particular area. I'm wondering if you have any knowledge of that, whether you have any understanding of why that's happened, and if there's some plan in your mind, going into this position, to deal with that.

1040

Mr. Badawey: First of all, I'll premise my comments by stating that, as I'm sure it's somewhat of a sensitive matter in the service, I don't want to compromise the integrity of the investigations that are going on at the present time.

Ms. Horwath, I do read the papers. I do see what's happening within the service. Am I intimately involved or do I know more information than what I read in the papers? No, I don't.

Ms. Horwath: So you're going in with an open mind, trying to deal with the issues.

Mr. Badawey: Absolutely.

Ms. Horwath: It seems to me what I'm reading and what I'm hearing—and I have some friends who actually live in that area as well—is that there's an increasing demand on the service in the Niagara region, and I'm wondering if you're aware of or if you can inform us as to whether or not the service has taken advantage of the government's offer to pay 50% of the increased police staffing.

Mr. Badawey: First of all, yes, there is a problem everywhere in Ontario for policing in terms of both trying to recruit officers as well as trying to get officers through the college. That said, there's also a challenge in terms of the finances that are to pay for those officers. Has, in fact, the service to date taken advantage of it? In my time, I believe they have. I'm not sure if they are now, but there is no question that we need officers, and to get them is going to take a bit of revenue. If that revenue is available at upper levels of government, yes, most definitely they could take advantage of it.

Ms. Horwath: I come from municipal politics as well. I think we've met before in a different form.

Mr. Badawey: Hamilton; yes, we have.

Ms. Horwath: I know that the municipality I come from will be taking advantage, because they're in a position of being able to find some dollars. Unfortunately, that's not the case with many municipalities across the province. So you're not aware, with this current offer, as to whether or not your service is or isn't?

Mr. Badawey: At the present time, I'm not aware if they are taking advantage of it or not, but again, with an opportunity to be on the board and the need for new officers, especially with the current demographic situation in Niagara, and I'm sure across the province, it should and, in my mind, will be taking part in.

Ms. Horwath: OK. Those were my major questions, Mr. Chairman. I don't have anything else.

The Chair: Ms. Horwath, thank you very much. To the government members.

Mr. Parsons: Mr. Badawey, I set aside the holiday weekend and read your resumé, and I think I speak on behalf of all our members when I say we feel that you're more qualified to be an MPP than Mr. Gravelle. That's a point of privilege, if you want to challenge it.

Mr. Badawey: I didn't say that.

The Chair: Was that a question, Mr. Parsons?

Mr. Parsons: No. The resumé is most impressive and, given your experience in the police services board in the past, I think it's an ideal appointment.

Mr. Badawey: Thank you.

The Chair: Mr. Gravelle, a rebuttal?

Mr. Michael Gravelle (Thunder Bay–Superior North): I agree with Mr. Parsons. I think you're highly qualified, obviously.

The Chair: Anything else, folks?

Mr. Parsons: That's fine.

The Chair: OK. Thank you very much. The official opposition.

Mr. Tascona: Thank you for coming here today. That leads me to a proper lead-in, because you were a Liberal candidate in the 2003 election?

Mr. Badawey: That's correct.

Mr. Tascona: I went over your resumé, and it is quite extensive in terms of what you'd name. How come you didn't include your Liberal candidacy in the last provincial election in your resumé?

Mr. Badawey: Actually, I did.

Mr. Tascona: You did? On what page?

Mr. Badawey: Last page, in the summary.

Mr. Tascona: Last page? Summary?

Mr. Badawey: You probably never got the summary.

Mr. Tascona: Summary of achievements; that was an achievement. Let's have a look here.

Mr. Badawey: Actually, it's in the actual summary.

Mr. Tascona: It actually isn't in the copy that I have.

Mr. Badawey: Mr. Tascona, it was a great opportunity, and I'm sure Mr. Hudak can testify to that as well. We had a great time running against each other, and for the most part I learned a heck of a lot in terms of the whole process.

Mr. Tascona: Yes. I'll get to that.

Mr. Badawey: I'm sure you will.

Mr. Tascona: Thanks very much.

So now you're running your own company. I did read that in your resumé. This is Vance Badawey and Associates, and the thrust of your company is to work on behalf of clients "to further develop corporate strategy, while nurturing government and business relations with partnering stakeholders.

"Currently, the client list of VB&A includes those involved in the energy markets, industrial/commercial development, residential development, brownfield development, waterfront revitalization, transportation, tourism and recreation, and aggregate investment." Who are some of those clients?

Mr. Badawey: Currently I have Canadian Niagara Power, the CoreTech group, some investment companies, numbered companies, Ontario limited companies. Essentially, Mr. Tascona, most of the work that I'm dealing with right now through my consulting firm is a lot of what, ironically, I did as a mayor and as a regional councillor. With my involvement with a lot of the different projects, they have taken me on board to help them along with a lot of the different things, the particulars with government, and just trying to smooth things over as they move along their developments. I did a bit of corporate development with Canadian Niagara Power, trying to work with different municipalities in relation to looking at possible partnerships, possible opportunities between the private and the public sectors, the municipal sector, MEUs etc.

Mr. Tascona: What about Queen's Park? Are you doing work with Queen's Park provincially?

Mr. Badawey: No.

Mr. Tascona: You're not a registered lobbyist for Queen's Park?

Mr. Badawey: No, I'm not.

Mr. Tascona: Any intention of doing that?

Mr. Badawey: No.

Mr. Tascona: So you're just staying local with respect to your—

Mr. Badawey: That's correct.

Mr. Tascona: OK. Are you going to continue to run your company if you're appointed to the police services board?

Mr. Badawey: Definitely.

Mr. Tascona: In February, the Welland Tribune and the Niagara Falls Review reported speculation that you might take over the chairmanship of the Niagara Parks Commission. You're quoted as stating that you would consider taking this post. Is that correct?

Mr. Badawey: Yes.

Mr. Tascona: How would that flow with respect to you being on the police commission? Are you going to have time to do that?

Mr. Badawey: How would that flow?

Mr. Tascona: Would you have time to do both, plus your company?

Mr. Badawey: I believe, Mr. Tascona, that that article was written and reported on about two years ago.

Mr. Tascona: Are you still interested?

Mr. Badawey: No.

Mr. Tascona: No?

Mr. Badawey: If I was interested, I would have made that clear to the Public Appointments Secretariat. However, I didn't, and because the position was given to Mr. Jim Williams two years ago for, I believe, a three-year term, I chose to take the position at the police services board in Niagara.

Mr. Tascona: You decided to run for the Liberals in 2003. You left the mayor's office knowing that you wouldn't be able to run again if you lost in the provincial election, right?

Mr. Badawey: That's not correct.

Mr. Tascona: No? You didn't run as mayor again.

Mr. Badawey: I chose not to run. I just didn't feel it was right to run for two positions at the same time.

Mr. Tascona: There's a conflict. The dates were overlapping there.

Mr. Badawey: I decided to step aside from the mayor's race. With all due respect for the candidates who were planning on running, I chose not to run in the municipal election and I chose to put my so-called eggs in one basket. Unfortunately, I wasn't fortunate to make it through.

Mr. Tascona: A little different than Mr. Arthurs, who ran in Pickering and kept both eggs in the basket.

Were you promised a political appointment if you lost?

Mr. Badawey: No, I wasn't.

Mr. Tascona: No? So how did you become aware of this? Did someone approach you from the Liberal Party?

Mr. Badawey: Actually, I was aware of being on the Niagara regional police services board in the past. I was aware that they had three provincial appointees. I was also aware that two of the appointments were going to be coming due within the years of 2004 and 2005. Upon those appointments being made vacant, I made application to the Public Appointments Secretariat to sit on the Niagara regional police services board and was called for an interview. Following that interview with Ms. Mary McDonald, I then received the paperwork to have the criminal checks done, as well as the rest of the paperwork. I filled it out and brought it back. I believe it was two weeks later that I was then notified to solidify my interest, which I did, and from there was asked to come before you today, and here I am.

Mr. Tascona: Do you believe police associations should be allowed to endorse political candidates?

Mr. Badawey: Do I believe police associations should endorse political candidates?

Mr. Tascona: Should be able to?

Mr. Badawey: Well, quite frankly, that's up to them. I don't think it's my place to say whether they can or can't.

Mr. Tascona: Well, it will be. You're going to be on the police services board.

Mr. Badawey: As I said, the police services association—which is the association, not the police services board for the rank and file—is completely different. If, in

fact, the police association wants to support a candidate or not, it is up to them.

Mr. Tascona: So that's a yes.

Mr. Badawey: That's your opinion. My opinion is that it's up to them.

Mr. Tascona: Minister Kwinter's opinion is that it's illegal to endorse political candidates. How would you consider it if it's an illegal activity?

Mr. Badawey: Then obviously I would have to abide by that.

Mr. Tascona: I have no further questions.

Ms. Scott: Thank you for appearing here before us today. You have an extensive resumé. In the past, you have been a municipal member. Now you're going to be a provincial member. Do you see any distinction between the two?

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Mr. Badawey: None at all.

Ms. Scott: There's been a recent community survey in the area?

Mr. Badawey: Yes, there has.

Ms. Scott: Are you aware of the answers, the 74% of the respondents etc.?

Mr. Badawey: Yes.

Ms. Scott: Can you expand a little bit more on the improvements of the delivery of the police services? I have a similar rural area that is served by a police services board. I don't have the border issues, of course. Can you expand a little bit more on what services or changes you'd like to see?

Mr. Badawey: I think it's twofold. In relation to the service itself and what police services offer, there is a security issue attached to that, including the border. We're sort of an anomaly in Niagara because we are surrounded by three bodies of water: the Niagara River and Lakes Ontario and Erie. For the most part, all of it somewhat borders water, as well as the obvious borders that we have in Niagara Falls, Queenston and Fort Erie. So there is an anomaly there in terms of some of the jurisdictional issues in relation to and relative to the federal government that we sometimes have to take a handle on, as well as the lakes. Safety is one. Demographically, there's no question that the tourists are coming to Niagara more frequently and they're spending a lot longer time. A lot of their time is being spent on the water. And there's no question that our residents are taking a lot of their time on the water as well. Again, there are security issues as well as water issues, in terms of safety.

The second part of that is the fact that policing, I feel, has to come more from the bottom up versus the top down. What I mean by that is it has to be more community-based. Our resources are very much stretched, especially financially, as I'm sure you can appreciate. I believe that to accrue a lot more support for the services that we sometimes can't afford, the buy-in from the community does go a far way. When I say, "buy-in from the community," I don't just mean the traditional buy-in from the demographic between the ages of, say, 30 to 60; I mean from the ages of 12 to 80, where you involve more youth and police interaction, where you involve more of your Block Parent communities in the operations of the actual police service. Going even further than that, you also involve your seniors to interact as well with the youth, truly creating a lot more character within your community, especially as it relates to policing. Personally, Ms. Scott, I think policing can in fact be a catalyst behind that.

Ms. Scott: I agree with more community involvement and the things that you've just mentioned. You would have campaigned in 2003 on hiring 1,000 more police officers for the province. Do you still agree with that? You've got fewer officers than the 55 the region received from the Conservative government. Do you feel that the Liberal government should keep its promise and put more police officers out there?

Mr. Badawey: There's no question. There is a need for officers. I think, for the most part, there's also a need for more room at the police college. It's quite difficult when you have almost 130 officers who are going to retire in one year, not to mention the unfunded liability of the sick time bank. Just trying to replace those officers becomes quite challenging when you simply don't have enough room at the police college to get them in and out. It goes well beyond, again, just the dollars and cents. I think there's a lot of work that has to be done in relation to expanding the police college or colleges, in terms of both the Toronto and the Ontario Police College, as well as getting a bit more aggressive on the recruitment efforts.

The Chair: Just a minute left, Ms. Scott.

Ms. Scott: OK. I'm hoping that you'll be able to get the Liberal government to live up to the promise of 1,000 police officers.

Mr. Badawey: We'll do the best we can.

Ms. Scott: I see you went to university in North Dakota.

Mr. Badawey: Yes.

Ms. Scott: Did you play hockey?

Mr. Badawey: Yes, I did.

Ms. Scott: A hockey scholarship? Great. For how long?

Mr. Badawey: I was there for one year and then my knees gave out on me.

Ms. Scott: Thank you very much for appearing before us here today.

The Chair: Mr. Badawey, thank you very much for the presentation. You're welcome to stay. We'll move to the concurrence votes in about half an hour, after the next intended appointment, so please make yourself at home.

Mr. Badawey: Thank you, Mr. Chairman. Thank you, committee.

THOMAS COLE

Review of intended appointment, selected by official opposition party: Thomas Cole, intended appointee as

member, Kawartha Highlands Signature Site Park management advisory board.

The Chair: We'll now move to our third interview, who is being accompanied by the very able member for Peterborough, Mr. Leal. Maybe we'll bring up Mr. Leal at the same time. Welcome to Thomas Edward Cole. Mr. Cole joins us from Lakefield, Ontario. Mr. Cole is an intended appointee as a member of the Kawartha Highlands Signature Site Park management advisory board, a very interesting group. Mr. Cole, most importantly, is a graduate of the University of Western Ontario, which always will earn bonus points as far as the Chair is concerned.

Mr. Thomas Cole: Don't hold it against me, but my favourite alma mater is Queen's.

The Chair: Well now, that changes things considerably.

Mr. Cole, welcome to our committee. You're welcome to make a presentation about your interest in the position and your background. You've been here, so you've seen how the question sessions work. We'll begin with the government members, and any time that you take up will be taken out of the government members' time. The floor is yours.

Mr. Cole: Chair and members, thank you for the honour of being invited to appear before you. I think I should tell you a little bit about my background so that you can make a decision as to whether I'm not only competent but have the character for this position, which, as far as I'm concerned, is one of the positions that I've strived for, for several reasons. One is the fact that you get to assist the members of the public in formatting recommendations that are going to be sent up to the minister for his determination.

In 1999 or early 2000, an ad appeared in the local paper in the Lakefield area asking for applicants for the appointment to what was called a local stakeholders' committee, which was going to be formed by the then government to make recommendations as to what use this large tract of land was going to be put in the future, to determine the boundaries, what the conflicting interests might be and how they were going to be able to be made compatible in the future. I was fortunate enough to be appointed to that position by the then government. I had the privilege of working on that committee. The official term expired after we made the recommendation, but we continued on as a committee for a period, probably in excess of another year, until after the Honourable Chris Hodgson was able to come up with a bill, which is the current act that's been passed. I think it's an excellent statute.

I applied to be put on the management board during the term of the last government and was not appointed. I was approached by the former chair of that stakeholder committee, Sissy Tanner, who advised me that there were two board appointments coming available. She suggested that I should apply. She knows the way I feel about the area, because I was raised up there. In late 1959 to 1960, we built a cottage within the lake area and, with my ties to the community, she knew that I should apply, and I did. That's why I've applied.

I can tell you that my parents lived in Peterborough. In the late 1950s, the province of Ontario, through the Ministry of Natural Resources, opened up a large amount of crown land for recreational purposes. My family was fortunate in getting a lot on Loon Call Lake. It was a water access lot only. We had to build a structure of the regulation size within two years and make application for the letters patent, which we did. I was fortunate enough, when I raised my family, that I was able to get a portion of crown land again, by lottery this time. Back in the 1950s it was by application; there wasn't a strong demand. Back in the 1980s, I got a crown patent for part of an island north of North Bay, and for nine years I drove up the highway from Lakefield to North Bay every weekend with my kids and my wife.

I practise property law primarily, but the firm has expanded and now we're doing a lot of litigation all across the province. I took land use planning as a law student at Queen's University as well as the law courses. What I've seen in my area is a tremendous demand that's been put on those people who live where what I call south of the 401, who will never have access to private ownership of lands because of the fact that the cost is unbelievable. It's beyond them. I know that, in my case, my grandfather bought property up on Mountain Lake in Haliburton right after the First World War, and my family was able to have some property up there. But the people down here south of the 401 will never have access to ownership.

The demand that's going to be placed on this provincial park is going to be tremendous because of the ecological concerns. There has to be some way that you can massage or get some kind of agreement between the users, so that there's not going to be a conflict. During the process of the recommendation formatting for the government, we saw the potential conflicts, and we felt that we made a recommendation that could be looked at in the future, and we're glad to see that it has.

1100

I don't know if any of you have read the report that was submitted to the government and our recommendations, but this was part of our formal recommendation. If I could, I'd like to read it into the record for Hansard. It's a vision statement that we as the committee produced for the minister to review, and it says:

"Our vision of the Kawartha Highlands is that of a natural legacy protected for future generations, ensuring that semi-wilderness, silence, solitude, dark night skies and remote characteristics are preserved.

"This protected area can provide for diverse recreational opportunities, providing they do not significantly compromise the ecological integrity and are sustainable. To ensure that this is the case, the area needs to be properly regulated and managed and the regulations enforced.

"It is also our vision that the public involvement in the development and management (stewardship) will con-

tinue now and into the future and, in particular, that significant provincial funds are committed to ensure that this vision is realized for the signature site."

I would like to continue to be part of that process, and that's why I'm here.

The Chair: Thank you, Mr. Cole. A very good presentation. We appreciate that. I think we start with the government members.

Mr. Parsons: Your resumé notes that you were the initial provincial government appointee to the stakeholders' committee. When would that have been?

Mr. Cole: The appointment took place, I believe, in July 2000.

Mr. Parsons: You've had a long history, then.

Mr. Cole: I was part of the initial stakeholders' committee. I was at the first meetings. We had many public information sessions. I think the report that was provided by the legislative research section said there were 57 presentations that we held throughout the area and in the city of Toronto.

Mr. Parsons: So this appointment that's being considered is a natural extension of what you've started. We're certainly comfortable with that.

Mr. Cole: I have a philosophy, and I don't want to be too philosophical about this, but I believe that lawyers, if they're educated at the cost of the province, have to put back, and I like to put back.

Mr. Parsons: We know a lot of lawyer jokes, but we're going to refrain. We're finished.

The Chair: He may trade politician jokes for every lawyer joke, though, so we'll refrain. Thank you very much to the government caucus. The official opposition.

Ms. Scott: Thank you, Mr. Cole, for coming and appearing here before us today and for recognizing the good work that Chris Hodgson had done and the work with the initial committee.

Mr. Cole: He did a fantastic job in massaging the legislation that did not come to fruition. He was instrumental in bringing forward the bill that is the law now, but there was a previous bill which was not good legislation, in my opinion.

Ms. Scott: But you're happy with Bill 100 now?

Mr. Cole: I think it's a fantastic statute. It's not all proclaimed yet, but we've got section 5. That's a start.

Ms. Scott: Yes, there's work to be done. I know it's going to take a few more years.

Mr. Cole: It's an interesting process, which is why I want to stay a part of this process, because it's a whole new area of legislation. It's a brand new bill, and we gave birth to it. I want to see it grow.

Ms. Scott: And you're very familiar with the charter?

Mr. Cole: The charter? I don't understand. I'm familiar with the statute, but if you're calling the statute the charter—

Ms. Scott: Within the charter it says, "The park management plan and the ongoing management of the park will recognize the essential role played by the municipalities."

Mr. Cole: I haven't read that. I'm not aware of it. I've been out of this loop now for over a year.

Ms. Scott: I just bring that into play, and I'll tell you why. The township of North Kawartha has not had a representative on the management advisory board since Janice Griffith, who was not re-elected in the last election. So North Kawartha doesn't have representation on the signature board here. The township of North Kawartha had asked that Arnie Brown, who is an elected representative of North Kawartha, fill this vacancy. That choice was then endorsed by the stakeholder groups of the Kawartha Highlands, and I was wondering if you—

Mr. Cole: The stakeholder groups of the Kawartha Highlands, I think, is an ad hoc committee. There are different cottage associations that formed this ad hoc stakeholders' committee, so that's how I know it to be a stakeholder committee. It's not a stakeholder committee that has any kind of political recognition, like the Conservative government did when they appointed the stakeholder committee. But they are stakeholders.

Ms. Scott: No, but there is a stakeholders' group, and North Kawartha township had asked for Arnie Brown. I think they sent a letter to Mr. Leal, and so had Galway-Cavendish and Harvey, just for representation from North Kawartha to be on the board, because the charter said "will recognize the essential role played by the municipalities." I didn't know if you were aware of—

Mr. Cole: I wasn't aware of the charter.

Ms. Scott: I didn't know if you were aware of the Arnie Brown recommendation, also.

Mr. Cole: No, I was not aware of the Arnie Brown recommendation.

Ms. Scott: That had come through, and that's why I'm asking the questions here.

Mr. Cole: I'm unaware of that.

Ms. Scott: That's fine. They had recommended that they needed another representative from North Kawartha, so they recommended Arnie Brown and we had supported that. I know I had supported that, because that was a recommendation. As you know better than I, the signature site takes in half to three quarters of the whole township.

Mr. Cole: A good portion of it.

Ms. Scott: Right. So it's really essential that the municipality be a member of that board for input, because you are developing access points etc. They're involved in it. I didn't know if you were aware, and I wanted to make you aware that that was the recommendation that had come for an appointment to fill the two vacancies. They have appointed Tom Flynn from Galway-Cavendish and Harvey in this round of appointments.

Mr. Cole: I know Mr. Flynn quite well.

Ms. Scott: Yes, the reeve.

Mr. Cole: We sat on county council together, and I appeared as counsel for clients before his council quite often.

Ms. Scott: The request had been that representatives from each municipality be involved, because it is a pro-

cess that's going on and will have a lot of municipal involvement.

Mr. Cole: I'm well aware of that. That's one of the reasons why I wish to be on the board, because I'm aware of the conflict between the municipalities.

I have no property in the provincial park. I don't own any property. I have no clients who have any conflict of interest. I see myself as being a completely impartial individual and able to resolve the issues.

I know there's going to be a conflict in the future with respect to where the access roads are going to be constructed. I know there will probably be a conflict as to when they award the contracts and make the recommendations as to where there's going to be a road built, maybe making a bid from North Kawartha, as opposed to one from the Kawartha-Galway-Harvey amalgamated area.

I also know that the minister is empowered to appoint the members he sees fit under the legislation. So if in fact Mr. Brown is a candidate who's suitable for appointment, it's up to the government or to the opposition to request the government to put him on as an appointee as well. There is power there.

Ms. Scott: I realize that. That's why I brought those things to your attention. I didn't know if you knew that. That's OK. It was just a matter of me wanting the municipalities to have a voice here.

Mr. Cole: I have absolutely no knowledge of Mr. Brown. Mr. Brown may be a candidate who's quite suitable for the board. That's not for me to say.

Ms. Scott: No, it's not for you to decide. I was just explaining the background of how the municipalities need the representation. It had been lopsided. They've appointed Mr. Flynn from Galway-Cavendish and Harvey, but they didn't appoint another replacement for North Kawartha. It was just their input on the board. That's where I'm coming from. Having said that, are you still interested in serving on the board?

Mr. Cole: Certainly. I was raised in North Kawartha. That's the lake that we built our cottage on.

Ms. Scott: You presently live in Lakefield.

Mr. Cole: I live in Lakefield. It's up the road. There are no conflicts. I've been in practice in Lakefield for going on 33 years. My reputation is that I am a fair individual. I'm feisty, but I'm fair.

Ms. Scott: You don't have a bad reputation; I'm not saying that. I'm just saying that is what the municipal imbalance was.

Mr. Cole: If you're asking me indirectly if I would withdraw my application if Mr. Brown were to take the position, the answer is no.

Ms. Scott: I see you want to sit on the board.

Mr. Cole: I would like to carry on and do what I started. I've got to leave a legacy too—32 years in the area practising law, with maybe another four or five. I'd like to leave having done something and given back to my area that's looked after me so well.

Ms. Scott: I know there are some appointments coming up again in the summertime, and I encourage the present government to look at those so there is a balance, following the charter. Maybe we can get you a copy of the charter. I think it's freely available.

Mr. Cole: One of my concerns is that you're going to have to have a board that is going to be able to resolve some of the conflicts. You're from the area. You're from Kinmount.

Ms. Scott: I'm quite familiar. That's why I'm asking all these questions. That's why I want it to work.

Mr. Cole: You know the area, and I know the area as well. But I've had some training and background. When I first started my practice, I was appointed to the Peterborough county land division committee as a serving member. As a bencher, I was chair of unauthorized practice, and I was disciplining lawyers.

Ms. Scott: I have no dispute with your professional background. That's not the question.

Mr. Cole: So I know how to massage and solve the issues.

Ms. Scott: I don't question your professional background. I'm just bringing in the local flavour to it and the request.

Mr. Cole: I know the local flavour; believe me.

Ms. Scott: That is actually a point of contention. Because with the original committee, there was quite a conflict within the communities.

Mr. Cole: Excuse me, which committee are you talking about?

Ms. Scott: The original one you mentioned. Sissy Tanner was the chair of that. Was it called the local stakeholders' committee at that point?

Mr. Cole: I can assure you that there was no conflict within that committee. That committee worked unbelievably well.

Ms. Scott: Not within the committee; the committee's relation to the communities and the municipalities.

Mr. Cole: I know that there was a lot of political pressure that was put on the then government by a group that called themselves the Stakeholder Committee of the North Kawarthas. That's an ad hoc group that—

Ms. Scott: Anyway, there was a lot of discussion in the communities.

1110

Mr. Cole: Yes.

Ms. Scott: Do you feel comfortable going to the board without any of the baggage from the past? I want this to succeed.

Mr. Cole: I want it to succeed too.

Ms. Scott: I encourage new blood to get on the boards sometimes. There are a couple of former committee members on the board now.

Mr. Cole: There are, and they're excellent members.

Ms. Scott: I'm not disputing; I'm just saying there are. I'm just trying to get the mix right.

Mr. Cole: Yes, I'm aware of that.

Ms. Scott: That's why I brought the municipality mix in also.

Mr. Cole: I personally want to serve on this board to bring to a conclusion my vision, which I helped to draft, with respect to this park.

Ms. Scott: The advisory board, as it now sits, is working well, I hear.

Mr. Cole: Yes.

Ms. Scott: That's fine. We're just trying to make things work smoothly. There are those things in the community, and that's why I've asked you today.

Are you aware that the government has received an indication from park superintendent Dave Coulas that he would like a biologist to sit on the management advisory board?

Mr. Cole: I'm not aware of that.

Ms. Scott: I wanted to make you aware of the suggestions of the board member composition, and that's another recommendation. They wanted someone from north Kawartha to be able to represent that end of the—you know, when it's one half to three quarters of the—

Mr. Cole: With the greatest respect, I think it should be a function of the parties in opposition to pressure the sitting government to increase the board, if need be, to put those people on. I don't think you're going to be able to pigeonhole every little separate position, but diversity on a board is good.

Ms. Scott: And I have recommended those appointments, being a biologist—

Mr. Cole: If I was a sitting member, I would support the recommendation, whether I was NDP, Liberal, Conservative or independent.

Ms. Scott: That's what my points were.

How did you feel about access? Do you have any opinion about how many access points there should be?

Mr. Cole: I've got some things that I would like to see considered—this is not answering your question, because I haven't put my mind to it. But there are things I'd like to see, such as access to allow the migrating deer, when they start to winter, to cross Highway 28 in some fashion that they can get to two other areas they're occupying now. One is another provincial park, Petroglyphs Provincial Park, and the other is the crown game preserve. Those are huge areas for deer, and right now they're being slaughtered on the highway.

Ms. Scott: I know. There were 80 in the last few months. It's terrible. I guess we're looking at the municipalities having concerns about access and roads. Right now there's free access from Galway. Is the municipality going to be responsible for bringing up those roads if the access is going to be at two points or whatever?

Mr. Cole: Those are major issues.

Ms. Scott: I know those discussions are going on, but there's an act of fairness, because it's a large geographical area that we're talking about. I don't know if people are aware of the size of the park, but it is large and it is a very innovative provincial park. This is a first with the ministry and I think everyone is working to get it well so far.

Mr. Cole: Access is very important, so that you don't interfere with access by private landowners. It's a serious issue.

Ms. Scott: I've run out of time. Thank you, Mr. Cole.

Mr. Cole: I'd love to talk with you for hours afterwards.

The Chair: It sounds like it could go on for hours, as a matter of fact.

For the third party, Ms. Horwath.

Ms. Scott: Sorry. It's good for you guys to be aware of these things.

The Chair: Oh, it's entertaining.

Ms. Horwath: I don't think I'll be that entertaining, because unfortunately I don't have the intimate awareness of the area, although I have been up in the area, like so many other Ontarians, and definitely enjoyed it.

I'm going to stick a little bit more to the script, because I think the previous questioning really did bring out a lot of the issues. I want to ask you specifically about park management as a field. Do you have any experience at all in that field?

Mr. Cole: Not as a park manager per se, but I was able to receive what I call training or guidance when I was a bencher with the law society, where we went through an extensive program understanding and being taught the Carver model of governance. My belief is that as far as management goes, we have competent staff with the MNR, and you can't micromanage unless you have the expertise. If there is a biologist on the committee, that's fine and dandy, but when I talk about micromanagement, I don't want a committee member trying to suggest to the MNR how they do their job. I would like the options given to me, as a management board: "Here are your options. You make the recommendation to the minister," because we're only a recommending body; we're not a decision-making body.

Ms. Horwath: I do know the Carver model as well, so I find that quite interesting. I'm wondering what you would consider to be some of the major issues, not with this specifically but just overall, in regard to south-central Ontario parks.

Mr. Cole: The major issue is providing access to those people who don't have access to recreational lands. That's number one. It has to be regulated. It has to be controlled so it's not abused, and it can't interfere with private ownership. For example, I see an issue that's going to take place during the hunting season. You cannot now discharge a firearm within certain areas, especially in municipalities. For example, the township of Dummer has passed a bylaw that you can't hunt in the township of Dummer using shotguns etc. In the cottage country up in the north Kawarthas right now, you can discharge a firearm behind your cottage door. And we all know the range of a firearm; it's dangerous.

There are going to be competing interests with hunters, and not just the hunters who have the lands and cabins, who have the land use permits; we now have a large number of day hunters coming into the area. I happen to be a hunter, and I happen to be privy to a hunting camp, so we have a large territory. But there are people who are coming on to private lands on a day basis. Crown lands are another issue. There are no rights to a territory for a hunter. With duck hunting, if it's open

and it's crown land, you have the right to hunt as long as it's permitted. That's a conflicting issue that's going to have to be massaged and somehow looked after.

Ms. Horwath: It was really, really clear that you have a great passion for this position because of your historical involvement in the development thus far. I'm wondering about two things: One, do you have any personal idea of when the rest of the bill is going to be enacted?

Mr. Cole: Mr. Leal hasn't advised me, and I haven't asked any questions of the members.

Ms. Horwath: I think you indicated in your previous responses that it will be a very challenging role to balance all the interests, and some of that actually came out in the previous questioning. You did make comments about being neutral: that you wanted to see the best result and that you saw your role as being able to bring parties together and come up with solutions. How can you do that? If there is that tension, that passion, where do you see there being the compromises?

Mr. Cole: I want to speak highly of the board appointing Mr. Tom Flynn. Mr. Flynn does a fantastic job for his municipality. But I also know that Sissy Tanner, who was not appointed to the board and was chair of the stakeholders committee—Janice Griffiths has a passion for her riding as well. I'm aware of the political conflicts between the two areas.

Somewhere through the representations and the options we're going to be given by the people with the knowledge—not just the political decision, but someone who has the knowledge and says, "You cannot put a road through that end because it's going to do this, that and the next thing." The big issues are going to be that the municipalities with their municipal governments are going to want to try to get the most economic benefit they can for their locale. That's the nature of the beast of being a politician. That doesn't necessarily mean that's going to be best for the land of this park, as to how it's to be developed.

I know that the former government indicated there was all kinds of money available to build a welcome centre. Well, if that's the case and the money is still available, where it's sited is going to be a very important issue. It should not be based on a political decision.

Tom Flynn is a very forceful politician. He knows how to govern, quite frankly. There should be someone on the committee who is going to be prepared to say, "Look, your position is either too strong or too soft." It may not just be Mr. Flynn; it may be others as well. Someone should be there who can forcefully stand up and say, "The route you're proposing is not right. Take it back and have a second look."

Ms. Horwath: I guess the other question I had is, in your previous comments you talked very passionately about your vision and how you wanted to see your vision come to fruition; is that appropriate? Is it your vision, or is it a collective vision of a number of different people who have participated?

Mr. Cole: This vision was a collective vision that I read into the record. I have a vision. For example, and this may not necessarily come to fruition, what I see is that we have a large tract of land and there are areas that may be suitable—and I am saying "may"—there may be areas where duck habitat can be enhanced, thereby making at least the hunters happy.

I want to see something to preserve and protect our deer across Highway 28. I think that's a major problem.

The access roads—I know that the cottagers are concerned about making sure that Anstruther Lake-Loon Call Lake road access doesn't become a major focal point to get people into the park; the same thing with the Pencil Lake area, Catchacoma Lake and the Catchacoma landing area.

As a cross-country skier, I would like to see little huts set up that people could rent to make access for weekend camping and that sort of thing.

These are just my own personal ideas. It doesn't mean they're going to be part of a park management plan. I don't have any "This is what is going to happen" sort of thing.

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Ms. Horwath: I was just clarifying. Things got a little passionate there, I thought.

Mr. Cole: No, I'm not that—

Ms. Horwath: That's great. Those are all my questions, Mr. Chair.

Ms. Scott: Can I just ask for a point of clarification? Do you have an interest in a hunt camp within the park, or was that outside?

Mr. Cole: No, absolutely not. My camp is south of Cosh Lake, which is about 35 or 40 miles due east.

Ms. Scott: So you don't have any family interests?

The Chair: I'm sorry, Ms. Scott, the time has expired.

Ms. Scott: I was just making a point of order of where the hunt camp was.

Mr. Cole: The answer is no.

The Chair: Mr. Cole, thank you very much for your presentation.

Mr. Cole: Thank you, Chair, and thank you, members. It has been a pleasure.

The Chair: Please stick around. We're about to move into our concurrence votes.

The interviews are now complete, so we'll move in the same order to our concurrence votes. We'll now consider the intended appointment of Mel Catre, intended appointee as member of the Council of the Ontario College of Physiotherapists of Ontario. Mr. Catre is still with us.

Mr. Parsons: I would move concurrence, Chair.

The Chair: Mr. Parsons moves concurrence. Any debate, comments or questions? Seeing none, all those in favour of Mr. Catre's appointment? Any opposed?

Mr. Gravelle: Can you see my hand, Mr. Chair? My chair is sinking.

The Chair: I see that. Mr. Leal actually occupied that chair at the beginning of the meeting and then hightailed it to the back of the room. So I think you'll have to have a discussion with Mr. Leal.

Sorry, Mr. Catre. On a more serious note, your appointment carried unanimously. Congratulations, and all the best at the Ontario College of Physiotherapists.

The next intended appointment is Mr. Vance Badawey, intended appointee to the Regional Municipality of Niagara Police Services Board.

Mr. Parsons: I would move concurrence.

The Chair: Mr. Parsons moves concurrence. Any comments, questions or debate? All those in favour? Any opposed? Mr. Badawey, congratulations. It carried unanimously. I think you'll know your way around the police services board. Congratulations, and all the best.

Our third intended appointment is Thomas Edward Cole, intended appointee as member of the Kawartha Highlands Signature Site Park Management Advisory Board—a very interesting board and an interesting debate, but badly in need of an acronym.

Mr. Parsons: I move concurrence.

The Chair: Mr. Parsons moves concurrence. Any comments, questions or debate?

Ms. Scott: I thank Mr. Cole for coming here today and certainly for his interest and his passion in the community and the success of the Kawartha Highlands Signature Site Park. You're right; an acronym is needed.

I'm saying this because the township of North Kawartha and the stakeholder group of Highlands had recommended an individual to represent the North Kawartha board, similar to the appointment made at the same time by Tom Flynn to represent the Galway-Cavendish-Harvey municipality. It's not his fault that the government chose to ignore those recommendations or the recommendations from the management advisory board for biologists for their group. I'm not supporting his appointment today because I think the government should have honoured the wishes that were brought forward for the appointees. It has nothing to do with Mr. Cole's ability or his passion for it. It's just based on those two recommendations that were submitted for the government to look at and what had been recommended by the local community and the advisory board.

The Chair: Any further debate, comments or questions on Mr. Cole's appointment? Seeing none, I'll call the question. All those in favour of the appointment?

Ms. Scott: Can I have a recorded vote?

Ayes

Berardinetti, Gravelle, Horwath, Orazietti, Parsons, Smith.

Nays

Scott, Tascona.

The Chair: The motion is carried. Mr. Cole, congratulations and all the best on the board.

COMMITTEE BUSINESS

The Chair: Folks, we will now move to other business. Any other business for the committee? Mr. Tascona, and then Ms. Horwath after that.

Mr. Tascona: I've got two matters. The first involves the response that was sent to you on March 18, 2005, correspondence to yourself as Chair from Debra Roberts, director of the Management Board of Cabinet, Public Appointments Secretariat, with respect to the personal and conflict-of-interest disclosure statement that's to be completed by intended appointees to all agencies, boards and commissions unless the agency has its own security process. In that regard, it would appear that we're not going to be provided that information. What I would like to ask for is the inclusion for each potential appointee of a new form from the appointments secretariat confirming the successful completion of the screening process and outlining whether the individual agreed to a screening check and what checks took place. You could ask the Public Appointments Secretariat for that, since they've decided they're not going to provide us with a copy of the personal and conflict-of-interest disclosure statement. That would be my first request.

It's not mentioned in the letter, but when our government was in power, we did not appoint people who were in arrears on their child support. Perhaps we could get a confirmation that the current government is continuing that policy.

The final matter has to do with, under standing order 106(e), the power and the jurisdiction of this particular standing committee. I'd like to review the local health integration networks.

The Chair: Are those the three points, Mr. Tascona?

Mr. Tascona: Yes.

The Chair: Why don't we do these separately. I know Ms. Horwath has a different point to bring up as well, for other business.

First, Mr. Tascona referred to the March 18 response to my inquiry from Debra Roberts, director at the Public Appointments Secretariat. Mr. Tascona has asked for further information in response to the letter. Are there any comments, questions or additions on that particular point? Seeing none, we'll note Mr. Tascona's request through Hansard, when available, and we will send a letter on, accordingly, to Ms. Roberts.

The second point, Mr. Tascona, is with respect to anybody who is in child arrears, I guess, through the Family Responsibility Office and whether that's a disqualification from service on an agency, board or commission. Any comments or questions? I don't know if anybody would have knowledge off the top of their heads. Any further discussion on this issue? Why don't we likewise inquire on the point on child arrears?

The third point Mr. Tascona brings up is the local health integration networks, known as LHINs, the government's ability to appoint members to the LHINs and whether they can be reviewed by this committee.

Ms. Horwath: There's a question of LHINs. The advertisements that I've noticed don't include the salary of any of the LHINs appointees. Why their salary range isn't posted is also a curiosity.

The Chair: Any comments or questions on the LHINs? Seeing none, Mr. Tascona, you wanted us to

inquire about that? What was your request of the committee Chair?

Mr. Tascona: I think we're empowered to review agencies, boards and commissions. I think we should look at the LHINs. That would obviously include the operational nature, because that's under the standing order and, secondly, the appointment process.

The Chair: For LHINs?

Mr. Tascona: Yes.

The Chair: OK. This is clarification. There are two ways of going about this. Are you asking me, as committee Chair, to inquire about that, the government's intention, or are you asking the committee to review those appointments and the process, in which case we would need a motion to do so?

Mr. Tascona: What I would move, then, would be to review the operation of the LHINs as it has currently been set up, and also their appointment process. That would be my motion.

The Chair: We'll put a motion on the floor with respect to the operations of the LHINs as well as the appointment process. The clerk will make sure we have the language correct.

Would members like that written out before we enter into debate? You don't care? OK. We'll quickly get it around.

Mr. Tascona has moved that the committee review operations of the local health integration networks, also known as LHINs, as well as the appointments process to the LHINs. That'll be the motion on the floor. Any discussion on the motion?

Mr. Parsons: I quite frankly don't think we know enough to make that motion at this point. I'm going to vote against it on the basis that it's premature. I think we need to know more about LHINs before we proceed, so I will not support it.

1130

The Chair: Any other comments on the motion on the floor?

Ms. Horwath: I thought it was a very timely motion. In fact, I will be supporting it. It's kind of frightening to think that the government doesn't know what it's doing in terms of the LHINs when they were supposed to be implementing them on April 1. It's very scary that the government members of this committee have no idea and don't have any information about the LHINs.

I would have to say that I think it's very appropriate, particularly around the appointment process, for us to be having a discussion or debate about that. I will be supporting the motion. I hope, in the interests of the transparency that this government tends to always talk about, we have an opportunity for some of that transparency here at this committee in regard to LHINs and particularly in regard to the process for ensuring that those bodies are appropriately appointed.

The Chair: Any other debate?

Mr. Parsons: I'd like to react to the statement that we know nothing about LHINs, because I like to believe that I'm not as stupid as I look. There are days I wonder.

This is very much a work in progress. We are still receiving public input on it. We did not enter into it, as we have with any process, saying, "Here's the way it's going to be, folks. It's a done deal." We're certainly still getting some very good advice from community groups on it. It is not that we don't know what we're doing, but we still remain open to receiving input.

Mr. Tascona: I'm not going to deal with the intelligence issue. I've always respected Mr. Parsons and his judgment. But since he thinks this is premature, when will it be mature? When do you think we could do this, Mr. Parsons?

Mr. Parsons: I'm not prepared to give a firm date. It's not very far away, but I'm not prepared to give a firm date. I'm not withholding it from you. I don't have a firm date. I recognize that.

Mr. Tascona: You say it's premature, but there is going to be a point in time—we have the mandate under the standing orders to do that. As Ms. Horwath has indicated, it's March 30, and April 1 is the kickoff date. Maybe you want to not go on the record at this point in time, but I think you're going to have to consider this. If you're going to vote down this motion, you're going to have to consider when it's going to be something that you're going to allow to be done, because that's the mandate of this committee. You're operational April 1. To me, the prematurity argument doesn't really hold much water. That's my comment. If you want to say, "Let's do it in two months," or whatever, I guess we could look at that as another motion.

Mr. Parsons: My arguments swayed four other members, so—

Mr. Tascona: OK.

The Chair: Any further comment before I call the motion for a vote? I'll put the question. Mr. Tascona has moved that the committee review operations of the local health integration networks, LHINs, as well as the appointments process to the LHINs. All those in favour of the motion? All those opposed? The motion is defeated.

Any other business?

Ms. Horwath: Can I just ask, Mr. Chairman, that you make an inquiry as to whether or not we can expect to be doing interviews for LHINs at this particular committee? I would ask you to make that request.

The Chair: Yes. I'm going to get your advice or committee members' advice on this. Should that request go to the Minister of Health, should it go to the government House leader or both?

Ms. Horwath: Probably both would be appropriate.

The Chair: Any other comments on LHINs? Very well, we will write a letter to both the government House leader and the Minister of Health with respect to whether they intend that the committee review the appointments to the LHINs.

Ms. Horwath: My other issue with new business was, I was just wondering why the appointment of Mr. Mumtaz Butt was withdrawn from our agenda.

The Chair: This is Mr. Mumtaz Butt? We did receive a notice—

Ms. Horwath: Mumtaz Butt, Council of Registered Insurance Brokers of Ontario, complaints and discipline committee.

The Chair: To clarify, this is a letter to the clerk regarding the intended appointment of Mumtaz Butt to the Council of Registered Insurance Brokers of Ontario, complaints and discipline committee, which has been withdrawn. And your request is?

Ms. Horwath: I'm just curious as to why it was withdrawn. We called that person.

The Chair: Any comments or questions on this issue?

Mr. Parsons: I think once it's withdrawn, the individual is entitled to his privacy.

Ms. Horwath: So it was done by the individual as opposed to—

Mr. Parsons: I can't answer that. I don't know.

The Chair: Clerk?

The Clerk of the Committee (Ms. Susan Sourial): I believe so.

Ms. Horwath: Thank you.

The Chair: Any other business, folks?

Ms. Scott: Just a comment on Vance Badawey. He said he filled out a certain resumé and some information, but we didn't get that in our file. I just wondered if maybe the clerk or legislative research or whoever is responsible—it seems he filled out a resumé that was different than the one we had.

The Chair: Can you be more specific?

Ms. Scott: We didn't have that he had put that down he was a candidate in 2000, and he said he had. We didn't have that information on the resumé that was given to us, but he said he had filled out the form and provided that information. There seems to be some lapse in information between what's submitted and what we're getting.

The Chair: Understood. So you're asking the Chair to inquire about that?

Ms. Scott: If you wouldn't mind, please.

The Chair: We'll look back at Hansard, at Mr. Badawey's comments before the committee. Comments?

Mr. Tascona: When are we meeting again, Mr. Chair?

The Chair: The next date is set for two weeks' time, which would be April 13—same place, potentially; same time, in all likelihood. Members will be duly notified of the committee's next meeting. Seeing no other business, we are adjourned until Wednesday, April 13.

The committee adjourned at 1136.

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Wednesday 13 April 2005

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Mercredi 13 avril 2005

Standing committee on government agencies

Intended appointments

Comité permanent des organismes gouvernementaux

Nominations prévues

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 13 April 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 13 avril 2005

The committee met at 1004 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mr. Tim Hudak): We will call the standing committee on government agencies meeting of Wednesday, April 13, 2005, to order.

Our first order of business is the report of the subcommittee on committee business dated Thursday, March 31, 2005.

Mr. Ernie Parsons (Prince Edward–Hastings): I would move its acceptance.

The Chair: Mr. Parsons moves its adoption. Any comments, questions or debate? Seeing none, all in favour? Any opposed? It is carried.

Is there any other business to discuss before we get to the appointments review? All right; we will proceed.

INTENDED APPOINTMENTS

DEBRA MATTINA

Review of intended appointment, selected by third party: Debra M. Mattina, intended appointee as member, Ontario Rental Housing Tribunal.

The Chair: Let me see if I can remember how we start out. We will begin today—see, my clerk is on the ball. Questions will begin with the third party today in rotation. We only have one individual joining us as an intended appointee.

I would like to welcome Debra Mattina. Ms. Mattina, welcome to the standing committee on government agencies. Please make yourself comfortable. If you want a drink of water or juice or anything like that, it's all here for you.

Ms. Mattina is an intended appointee as a member of the Ontario Rental Housing Tribunal. Ms. Mattina, as you probably know, you're allowed to make a presentation—we invite you to do so—about your interest in this position and your qualifications. Then there will be up to 10 minutes of questions, rotating among the three parties and beginning with the third party. Any time that you take up is taken from the government side.

Ms. Mattina, the floor is yours. Welcome, and please go ahead.

Ms. Debra Mattina: Thank you, Mr. Chair and members of the committee, for affording me this opportunity to come before you as you review my proposed appointment to the Ontario Rental Housing Tribunal. It is indeed an honour to be up for consideration in this capacity.

I purposely kept my resumé a little brief, so I'm sure there are lots of questions you have about my past, my future, whatever. I'd like to tell you a little bit more about myself in this presentation this morning.

It has been my privilege over the years to participate in serving my community both professionally and as a volunteer. My volunteerism began when I was 13 and I became involved with a youth group that organized activities for the mentally challenged in our community. We ran group recreational and social activities for the young adults and respite programs for the parents of younger children. I stayed with that organization until after I was married, a total of eight years.

Simultaneously, during the latter part of that period, I began coaching junior girls' softball at one of our local parks. I enjoyed the privilege of sharing my knowledge and experience in baseball with these girls for six seasons.

During that time, my husband and I became involved with the Big Brothers organization. Thirty-one years ago we were blessed with an introduction to an 11-year-old boy of Afro-Canadian descent. He was with us through Big Brothers until, because of his age, he could no longer participate in the program. After that time, he moved out of the province with his mother and her new husband. We kept in touch, and four years later he came back to Ontario seeking employment. We took him in temporarily and ended up supporting him for six years while he returned to college, and eventually he was married from our home. He is now an OPP officer, married with five children of his own, and we value him very much as a member of our family. My children, who are now adults, look up to him as their big brother.

During the blizzard of 1977, we volunteered our services to the Hamilton-Wentworth police. We owned a couple of snowmobiles, and I was pregnant at the time, so I acted as the dispatcher while my husband and neighbour responded as directed by the police. We assisted by delivering a woman in labour to the hospital and assisting a gentleman with chest pain who was stuck in traffic on one of our mountain accesses. He couldn't go up and couldn't go down and needed some health care, so we picked him up on a snowmobile. The last thing we did that night was that there was a group of school children

who had not arrived home, so we participated in a search for them. Eventually we were successful and they were returned to their parents. We subsequently received a letter of appreciation from the local police department.

I stayed home with my children for seven years, but when my youngest started kindergarten, I returned to college myself. I had graduated in the early 1970s from a business program. Thirteen years after I did that, I graduated as a radiological technologist. I tutored both physics and math and was the recipient of a Dupont of Canada award for excellence in anatomy and pathology.

This new career path has rewarded me in ways too numerous to report to you. The patients I have served have provided me with more personal satisfaction and gratification than I am capable of articulating.

With this new career also came new involvement as a volunteer. I became active in my union local as an editor of the newspaper.

Just about then, the province began hospital restructuring. Because of our experience during the 1977 snowstorm and others, I knew that closing the only existing emergency department on Hamilton Mountain would be disastrous. Because I was well known and well respected in the community, I was asked to chair a committee to save the Henderson Hospital. As the chair of this committee, we organized public support around our hospital. We enlisted the aid of local politicians at every level and, at my insistence, mounted a non-partisan campaign that ultimately was totally successful.

Following this campaign, I was identified by the United Way as a prospective board member for one of four seats reserved for labour. Three and a half years ago, I accepted this board position, and have volunteered as a director ever since. I have also represented the hospital sector as a campaign representative during two consecutive fundraising campaigns.

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I continued to volunteer with my local, and held executive positions both with CUPE and, after a representation vote, with OPSEU. I was on the negotiating team as my local negotiated its first contract and am currently in bargaining for our second one. I have been involved in both the arbitration and mediation processes, representing individual members and during bargaining.

I have volunteered in an advocacy role on a personal basis, assisting co-workers with non-union-related matters. One case involved representing a complainant to the College of Physicians and Surgeons, which was followed by two appeals to the Ontario Ministry of Health. It involved hundreds of hours of research and preparation. As well, I filed and won a case in Small Claims Court for a co-worker that also involved significant preparation and organization.

These experiences, along with a reputation of being fair, sincere, caring and unbiased, I believe will correspond well with the qualities needed to discharge the duties as a member of the tribunal.

I thank you once again for the time and welcome your questions.

The Chair: Thank you very much for your presentation. As I mentioned, any questions or comments will begin with the third party.

Mr. Gilles Bisson (Timmins–James Bay): Hello and welcome. A couple of questions: How did you find out about this appointment? How did you come to apply for it?

Ms. Mattina: That's a good question. I didn't actually find out about this directly, originally. My father had been reading the paper where there had been a couple of JPs who had been discharged from their duties because of one thing or another. It's kind of been a joke in my family. Everybody kept saying, "You should be a lawyer. You should be a lawyer." My father saw this article and said, "You should apply for this."

I went to Dr. Marie Bountrogianni's office, which was virtually across the street from the hospital where I work. I had met her through the Save the Henderson campaign and I asked her how to go about doing this. She referred me to her assistant, Heather Shantora. Heather looked into it for me and came back and actually mentioned a per diem appointment on a medical review committee. I said that if I was going to change careers, I would want to do something more substantial.

Mr. Bisson: Why wouldn't you have stayed in your own field, though? I guess that's the question I'm really looking at. You have a huge amount of experience in the medical field, and you have advocated on behalf of workers through collective bargaining and the rest that is entailed. Why a departure from medical over to the housing tribunal?

Mr. Shafiq Qaadri (Etobicoke North): To serve the people.

Ms. Mattina: Well, that's part of it. That's part of what I've always done. But to be quite honest, the medical field is very difficult physically. Emotionally and mentally, I'm up to the challenge, but my shoulders are shot. Yesterday I had a 450-pound patient. I can't lift those kinds of people—

Mr. Bisson: What I'm saying is, why not apply for a commission that basically deals with medical issues? You were involved in Save the Henderson. You've been involved in health for years. Why not use all that experience and apply for another position that is also involved with a per diem? There's nothing wrong with that.

Ms. Mattina: I wanted something more permanent than a per diem, though. I wanted something full-time and I enjoy the advocacy role probably as much as or more than the medical role.

Mr. Bisson: So what kind of experience do you have in understanding the Landlord and Tenant Act?

Ms. Mattina: To be honest, absolutely no understanding, except that I've read the act from cover to cover. I have an appreciation of what the intent is. I understand the language and the laws involved. I find it very fascinating, to tell you the truth. I have always had kind of a need to help people sort out their problems, a need to help them resolve them.

Mr. Bisson: You would know that the legal clinics in Ontario do some work in representing tenants when it comes to the Landlord and Tenant Act and going before the tribunal. There has been some concern from the legal clinics about the appointments, not just you, but generally appointing people to the tribunal who do not have a grounding in housing and have this great big learning curve to properly discharge their duties as hearings officers.

There's some concern, and I guess that's what I want to put on the record, on the part of those people in the legal clinics and also others who advocate for people when it comes to housing issues, that the appointments we've had so far—not all of them, but by and large—have not been people who are grounded in the housing side. How do you respond to those critics who say, "Listen, there's already a deficiency at the board when it comes to the number of people who come in new without full experience," and now you're going to be the next one to come in? How do you respond to those critics?

Ms. Mattina: Initially, I would respond that I'm not totally without knowledge around that. I am, as I said, involved with the United Way. Certainly, we have knowledge and have had presentations from people who deal with the housing situation locally. So I do have some information on that; I get reports on that sort of thing.

Also, the way I see it from my perspective, I'm here—or will be here, if you approve this appointment—to apply the law. With that, I would try to balance this issue of being unbiased, hearing both sides and making a determination that is based in law. I think that I've also shown in my resumé that I am a very quick study.

Mr. Bisson: I have no doubt of that, but have you ever been involved in the housing movement whatsoever?

Ms. Mattina: I have not.

Mr. Bisson: Just an observation to the government: It seems to me that this is a strong candidate for a health appointment. I wonder why we would not have encouraged her to go the other way, where you can use the many years of experience you have in your field on a number of commissions and boards that we do have that do very good work and are also full-time. I sometimes wonder why we do that. It's not just your government that has done that; other governments have done the same. I just sometimes wonder why we don't encourage the people to go where they have their grounding.

Another question before we run out of time. You mentioned that you're bargaining on behalf of CUPE, I think it is.

Ms. Mattina: OPSEU, at this point, yes.

Mr. Bisson: You used to be CUPE, didn't you?

Ms. Mattina: I was CUPE at one time. We underwent a representation vote.

Mr. Bisson: With OPSEU, do you plan on completing negotiations in your position as negotiator?

Ms. Mattina: I would say probably not.

Mr. Bisson: How do you feel about—

Ms. Mattina: I will continue for the next few days.

Mr. Bisson: OK. How much time?

The Chair: You still have three minutes.

Mr. Bisson: Wow, I'm doing rather well. I can't believe this.

Interjection.

Mr. Bisson: I think I can.

The Chair: Two minutes and 45 seconds.

Mr. Bisson: Two minutes and 45—not bad.

Are you a member of any political party?

Ms. Mattina: Not at this current time, no.

Mr. Bisson: Not that that's a bad thing. Have you ever worked on political campaigns?

Ms. Mattina: I have.

Mr. Bisson: Whose?

Ms. Mattina: Brian Charlton's.

Mr. Bisson: Very good. Anybody else?

Ms. Mattina: No.

Mr. Bisson: OK. Very good.

You've read the Landlord and Tenant Act.

Ms. Mattina: I have.

Mr. Bisson: You obviously have some experience advocating for people. I guess the question I'm trying to square away here is, as you go into this, do you see yourself as somebody who is an ally of renters or an ally of tenants? How do you position yourself?

Ms. Mattina: I would say I'm not an ally of either. I would say that I'm sympathetic to both sides. I understand that there has to be a balance achieved. Obviously, people who own the buildings are in there to make money; obviously, the people who rent the buildings have economic pressures on them as well. I would have to say that each case would be individual, based on the law. I don't see myself leaning either way, to tell you the truth.

Mr. Bisson: All right. That's it.

The Chair: For the government side—

Mr. Parsons: We're satisfied, thank you.

The Chair: To the official opposition, Ms. Scott.

Ms. Laurie Scott (Haliburton–Victoria–Brock): Thank you for appearing here today, Debra.

Ms. Mattina: Thank you for having me.

Ms. Scott: That's great. Were you working part-time? Is it radiologist or—

Ms. Mattina: I'm a radiological technologist. I've been working part-time for the past six months. Prior to that, I was full-time, and as I indicated earlier, my shoulders are shot. I injured, initially, the left one, and now the right one is going too. It's just too difficult physically to maintain it full-time.

Ms. Scott: I worked in the medical field in the past too, and I understand the physical challenges that are involved with the profession.

When you were bargaining on behalf of OPSEU, was that a job, a part-time job or anything?

Ms. Mattina: No. I was part of the local bargaining team. We had undergone a representation vote, and therefore we had no first contract. We were a new local, so we virtually bargained every word in the contract—every word, every phrase.

Ms. Scott: That wasn't a paid job. That was just part of your—

Ms. Mattina: Well, yes and no. You were booked off by the union to do it. I would go to work three days and negotiate two and so on. It would be kind of back and forth.

Ms. Scott: OK. You said you went to Minister Bountrogianni's office and applied. Then they came back with an opening in this board?

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Ms. Mattina: Actually, it was several months later, because Heather called me about the per diem on medical review, and I said no, that if I was going to go—

Ms. Scott: You wanted full-time?

Ms. Mattina: I wanted full-time. So she called me back a few weeks later and said that this one was up, and it was similar to the JP thing that I was interested in initially, and would I be interested? I said absolutely; that was exactly the type of thing I would like to do.

Ms. Scott: Because it's full-time employment.

Ms. Mattina: It's not just the full-time employment, because, quite frankly, I'm happy with the part-time employment that I'm doing now, but it's an area of interest. It's what I'd like to do. It's something that I've long been interested in.

Ms. Scott: Did Minister Bountrogianni support you? Did you speak to her at all during this process?

Ms. Mattina: Just initially; I haven't had any contact with her, really.

Ms. Scott: So who interviewed you specifically?

Ms. Mattina: For the Ontario Rental Housing Tribunal?

Ms. Scott: Yes.

Ms. Mattina: That would have been Beverly Moore and two of the vice-chairs of the tribunal.

Ms. Scott: So there was no ministry staff or anything at that interview.

Ms. Mattina: Not there, no.

Ms. Scott: And you filled out the forms. Did you go on-line, or did you fill them out by hand?

Ms. Mattina: I did it both ways. Initially, I put it on-line, and then I was asked to fax it in afterwards, so I did both.

Ms. Scott: Do you know how much the position pays?

Ms. Mattina: I believe Ms. Moore told me it was just around $68,000 a year.

Ms. Scott: When Mr. Bisson asked you about whether you've helped on any campaigns, you mentioned a gentleman. Which party was he affiliated with?

Ms. Mattina: He was with the NDP in the 1970s. I used to be a member of the NDP at one time; I haven't had a membership there for—

Ms. Scott: Have you ever donated to the Liberal Party?

Ms. Mattina: I have.

Ms. Scott: What riding would that be? To whom?

Ms. Mattina: It wasn't so much a donation as supporting an event. There was a partial donation involved in it. I've also endorsed all three political parties after the Save the Henderson campaign. The particular representatives who helped out on the campaign were running for office afterwards and I endorsed people from every party based on how I worked with them during that campaign.

Ms. Scott: Have you ever been a landlord or a tenant?

Ms. Mattina: I'd been a tenant, 30-odd years ago, but never a landlord.

Ms. Scott: You talked a little bit about your knowledge of the system and it's quite new to you. Do you feel that the present legislation is weighted toward tenants or landlords? Do you know enough about how the tribunal is functioning now, and whether it's fair to one side or another?

Ms. Mattina: That's a question that I really can't answer at this point. I think that my job, again, will be to apply the law. It's not to judge the law, to decide whether it's good or bad or favourable or unfavourable. My job will be to take the law and enforce it, and to do it to the best of my abilities with as much compassion and understanding as I can apply to it. I would say I can't really answer that the way—

Ms. Scott: Do you hear anything in your community from landlords or tenants? Is there a lot of talk?

Ms. Mattina: I haven't heard a lot, no, to be honest.

Ms. Scott: OK. Last year the government undertook the consultation process for the Tenant Protection Act. Are you aware of that? Did you participate in it?

Ms. Mattina: No, I haven't participated in it, but I was aware of it.

Ms. Scott: So you don't really know what the report recommended?

Ms. Mattina: No.

Ms. Scott: Do you feel you have enough adjudicative experience to be on the board?

Ms. Mattina: I believe I do. I would say yes.

Ms. Scott: Because of your experience, mainly, with CUPE and OPSEU?

Ms. Mattina: Mostly with the union, but also, as I say, with the other things I've done over the course of my lifetime. I've been involved with the adjudicative process quite often, not always as an adjudicator, but I've certainly seen it in action on many occasions.

Ms. Scott: Those are all the questions I have. Thank you very much.

The Chair: Ms. Mattina, thank you very much for your presentation and your response to our members' questions. You're invited to stay for our concurrence debate, which will take place after all of our presentations, which is now; a short schedule today.

Ms. Mattina: I very much appreciate your time. Thank you.

The Chair: So, to be formal about it, we will now consider the intended appointment of Debra M. Mattina, intended appointee as member of the Ontario Rental Housing Tribunal.

Mr. Parsons: I would be pleased to move concurrence.

The Chair: Mr. Parsons is pleased to move concurrence. Is there any discussion on Ms. Mattina's intended appointment?

Mr. Bisson: Again, just for the record, I don't have particular problems with the individual. The only thing is—to the government—I don't know how you deal with this, because this is not just an issue that arises with your government; it happens, I think, overall. Sometimes we have a perfect candidate to go into some field, because they have experience in the particular field they come from. It just seems to me we should have some sort of check and balance to make sure the applicants know that there may be something else of interest within their own field which they may not have considered or even known about that might be well in keeping.

I just ask the government to keep that in mind when we're taking in applications through the secretariat, because we see that far too often. You have somebody who has, in this particular case, a lot of experience in the health care field, who probably has a lot more to give in the health care field, I would think, given her experience, and there may have been something more appropriate in the health care field as compared to housing.

I'm sure she's a quick study. I don't argue that for a second. I know, having been a member of the labour movement for years, you've got to learn pretty damn quick. If you've been able to last this long, you probably did OK in that department. But the point is that far too often we end up with people in positions of having to have a learning curve, learning new legislation, learning an entirely new field, where it might have been more appropriate to leave those people—not leave those people, but at least make it known that there are other appointments available in the field they come from, as in this case with health care.

I just put that as a comment to the government and say it's something that maybe we should be thinking about as a sort of question that we ask people as their applications come into the Public Appointments Secretariat, that that is looked at. That's all I'm asking.

The Chair: Any further discussion?

Mr. Parsons: Could I respond to that? That's certainly a valid concern. I have two responses to it. One is, in many of the boards where we're looking for someone to represent the community, we're not necessarily looking for someone who's a specialist in that field, but someone who comes in and has the perspective of an outsider, which I think is advantageous.

I also want to compliment the Public Appointments Secretariat office, because they have developed a new Web page that I think is very open and very accessible for any potential candidate to access all of the positions that are available. Certainly we've had feedback from people who have spent a lot of time on it to see what's available. I think they've done a good job of making public what all of the options are for appointments.

The Chair: Do any other members have further discussion on the intended appointment?

Mr. Bisson: Just to make something clear, I understand why we put laypeople on boards. There are times, given the composition of a board, that you want to have cross-representation that represents our society. For example, I can think of a number of boards where that would be quite appropriate and you'd want to bring those various points of view. But when you're appointing somebody to be a hearings officer, it's a little bit of a different threshold. That's the point I'm making.

It seems to me that we need to have some sort of check and balance to say that as people apply to the Public Appointments Secretariat, and they have a wealth of knowledge in a particular field, there be some sort of mechanism to say, "Listen, I know you're applying for a JP or the housing tribunal or whatever it might be, but did you know there are other appointments in the health care field that might be very suitable and quite in keeping with what you're looking for?" That's all I'm saying.

The Chair: Folks, we're getting a bit away from Ms. Mattina's intended appointment. We could return to this, if members so feel. Any more discussion on the intended appointment?

Mr. Bisson: The point's been made.

The Chair: Any further discussions on Ms. Mattina?

Mr. Parsons has moved concurrence. All those in favour? Any opposed? It is carried.

Ms. Mattina, congratulations and all the best on the Ontario Rental Housing Tribunal. Thanks for being here.

Folks, two quick matters for housekeeping. I'm going to exercise the Chair's prerogative and introduce to committee members Rosemary Legge. Rosemary is a student at Brock University and has been helping out in my office. She's a resident of Fort Erie, Ontario. It's her first day here at Queen's Park, so the committee welcomes Ms. Legge to the session.

Secondly, just so members are aware, our next meeting will be April 27. So two weeks from today, same time, 10 a.m., April 27, and we'll just confirm with members as to the meeting room.

Thank you very much. This meeting is adjourned.

The committee adjourned at 1029.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 11 May 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 11 mai 2005

The committee met at 1004 in room 151.

SUBCOMMITTEE REPORTS

The Chair (Mr. Tim Hudak): Well, folks, we'll call the committee to order. Welcome back to the standing committee on government agencies, Wednesday, May 11, 2005. We have some subcommittee reports; we have three intended appointees. Folks, I'm going to move other business to after the appointments review, if that's all right with everybody.

Mr. Ernie Parsons (Prince Edward-Hastings): Excellent.

The Chair: Good. Why don't we proceed? Our first order of business today is a report of the subcommittee on committee business dated Thursday, April 14, 2005.

Mr. Parsons: I would move acceptance.

The Chair: Mr. Parsons moves its adoption. Any discussion on that subcommittee report? Mr. Tascona?

Mr. Joseph N. Tascona (Barrie-Simcoe-Bradford): I apologize. I was just going somewhere.

The Chair: No problem. On the floor, Mr. Parsons has moved the adoption of the subcommittee report of Thursday, April 14, 2005. All in favour of its adoption? Any opposed? It's carried.

The second order of business is a report of the subcommittee on committee business dated Thursday, April 28, 2005.

Mr. Parsons: I move adoption.

The Chair: Mr. Parsons moves its adoption. Any discussion on the minutes of Thursday, April 28? Seeing none, all in favour? Any opposed? It is carried.

A third order of business is a report of the subcommittee on committee business dated Thursday, May 5, 2005.

Mr. Parsons: I move adoption.

The Chair: Mr. Parsons moves its adoption. Any discussion on the subcommittee report of May 5? Seeing none, all in favour? Any opposed? It is carried.

COMMITTEE BUSINESS

The Chair: Extension of deadline: Pursuant to standing order 106(e), section 11, unanimous consent is required by the committee to extend the 30-day deadline for consideration of the following intended appointee: Shehnaz Alidina, an intended appointee to the Toronto Grant Review Team. I guess that's for the Trillium Foundation. Do we have unanimous consent to extend that deadline to June 21?

Mr. Parsons: Agreed.

The Chair: Thank you very much. Unanimous consent. We'll extend that deadline and inform the parties.

Mr. Tascona, when you were out of the room, I moved other business till after appointments review. We have three intended appointees today, so we should get through those by 11:30 at the latest.

Mr. Tascona: That's a wise decision, Mr. Chairman.

The Chair: I do what I can. I have a good team around me.

INTENDED APPOINTMENTS

RAY FERRARO

Review of intended appointment, selected by third party: Ray Ferraro, intended appointee as member, Council of the College of Chiropodists of Ontario.

The Chair: Our first intended appointee is Ray Ferraro. Mr. Ferraro is an intended appointed as a member of the Council of the College of Chiropodists of Ontario. Mr. Ferraro, please move forward. Welcome to the standing committee on government agencies, sir. Make yourself comfortable. Do you want a glass of water, a coffee or juice?

You may have seen how this committee operates. You're welcome to make an opening statement about your interest in the position, your qualifications, and then we divide up time for questions among the three different parties, 10 minutes each. Any time that you take up is taken away from the government members, and questioning in rotation will begin with the government followed by the official opposition and the third party. Mr. Ferraro, the floor is yours.

Mr. Ray Ferraro: Thank you for this opportunity. My name is Ray Ferraro. I was born in Guelph. I've lived there all my life. I'm a father of two children.

For the first part of most of my working life, I've been involved in real estate and property development, mostly in the commercial field. A year and a half ago, I was asked to run for council in the city of Guelph. I did and was successful in ward 2. So in that last year and a half, I've learned a lot about committee work. I'm on a couple

of committees. The city of Guelph is a growing city. We have 12 members and I'm on three different committees. I like the committee structure per se—the Roberts rules. In fact, I like the committee structure better than the council structure because you can be a little more candid and be a little more results-oriented, so to speak.

I've been involved in the Italian Club in Guelph, the Kiwanis Club and various activities. I'm well known in the Guelph area. My younger brother Rick was a member of the House here I think in the 1990s, with the Peterson government.

Basically, that's my background, unless somebody has something else to ask me.

The Chair: That's great and to the point, Mr. Ferraro. The members of the committee may very well have questions to ask of you, so we'll begin with the government side.

Mr. Parsons: Actually, we don't. This is a position where the candidate would represent the general public and I certainly think you have a sense of community service. We have no questions.

The Chair: The official opposition?

Mr. Tascona: Thank you, Mr. Ferraro, for attending today. I just have a couple of questions for you. Do you know Rick Ferraro?

Mr. Ferraro: Yes, I'm related. He's my younger brother, but he's bald.

Mr. Tascona: Yes. He was Liberal MPP from 1985 to 1995?

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Mr. Ferraro: That's right.

Mr. Tascona: Did he represent Guelph?

Mr. Ferraro: He did, under the Peterson government.

Mr. Tascona: In your application, you specifically said you wanted to be a part of this council, the Council of the College of Chiropodists of Ontario. Why did you choose this particular council?

Mr. Ferraro: One day on my e-mail I got a request from the Ministry of Health about whether I'd be interested in applying for another board. I thought about it at the time, with my time frames and with travelling into Toronto. I got back a week later to a Mr. Corbin, I think it was. At that time, that position was filled. It was for another board. He did mention that this was available, so I asked him to send me the information, and I was quite interested in this type of committee work. I don't know who put my name in. I would imagine it was the local office; I have no idea. I did not originally make the first overture.

Mr. Tascona: What do you mean by the local office?

Mr. Ferraro: My brother tells me that recommendations for appointments come from the local Liberal office. In this case, it would have been—

Mr. Tascona: The local MPP.

Mr. Ferraro: The local MPP, yes.

Mr. Tascona: That's Liz Sandals.

In terms of this, what's your knowledge of this particular council? Do you have some knowledge of what work they do?

Mr. Ferraro: No, I don't. I have a GP who lives beside me. He's been telling me about the importance of foot care in relation to lifestyles and that type of thing, and I've done some reading of the items that were sent to me. I can see that there are some items to be addressed by the committee. But I have no personal knowledge of this medical field, of chiropody and/or podiatry.

Mr. Tascona: OK. As part of your duties as a member of this college, you may serve on the disciplinary committee at some point. Do you have any adjudicative or mediation experience?

Mr. Ferraro: That's been my entire life, almost. Compromise and negotiations are a very big part of the work that I was in with construction and real estate, and being on some boards with the local councils. Particularly on the municipal level, that's basically what we do. We work from reports. I take the middle road, and it has seemed to work for me.

Mr. Tascona: I'll make one comment about Guelph: I think it's a very well planned community and certainly doing very well.

Mr. Ferraro: Most people think that, but we have a few—

Mr. Tascona: That may be related to some of the Italian background in the community, which I think is fairly strong, but I'll make no strong comments on that.

Mr. Lorenzo Berardinetti (Scarborough Southwest): Is that a motion you're moving?

Mr. Tascona: You can move it, Lorenzo, if you wish.

I appreciate the work that you do on council, because I served on council for the city of Barrie, and the type of preparation that you do in that regard. You say you've been doing a bit of reading on this. Are there any things that you want to accomplish with this council, any objectives?

Mr. Ferraro: I think it would be presumptive of me to say that I have any answers, but when I read some of these descriptions in the Chiropody Act of 1991, and particularly when I see there was a memorandum of understanding a few years back between the two groups and I see that it was pulled, I find this very interesting. Like I say, if appointed, I would have to do a lot more research, but I find it interesting that the chiropody group can assess and the podiatrists can diagnose. I wonder what the real difference between assessing and diagnosing is. What I'm saying is that there seems to be a lot of grey area here. It looks like it's a committee that could do a lot of work to maybe crystallize and/or bring these different factions together.

Mr. Tascona: What's your knowledge of the difference between the two professions, chiropody and podiatry?

Mr. Ferraro: The basic difference, from what I've read, is that there are two extra functions that the podiatrist can do. He can do basic foot surgery and communicate his diagnosis, which I find an interesting combination of words, whereas a chiropodist cannot communicate, which I guess means he can't give a written appraisal to a GP. That's the only thing I can

think of. In my mind, when I see words like "diagnose" and "assess," to me, that means the same thing.

One of the things I like about committee work is that I've gotten very attuned, in a year and a half on city council, when reports come in, to see what's not in the report. I always thought that special-interest groups were just developers until I got on council.

Mr. Tascona: That's a good point.

I just want to ask you, in terms of the time commitment, what do you understand your time commitment will be for this council?

Mr. Ferraro: I understood that it was twice a month on a semi-regular basis and also any special meetings that might be time-sensitive, and I'm certainly available for that.

Mr. Tascona: Thanks very much.

Ms. Andrea Horwath (Hamilton East): A number of the questions that I had have been asked. You mentioned in your initial remarks that you were asked to run for council. Who asked you?

Mr. Ferraro: My neighbours.

Ms. Horwath: Your neighbours asked you?

Mr. Ferraro: To clarify that, I spent 30 years on the other side of the counter, fighting with the city, so when I come home and tell my neighbours and my friends what the hell is going on—I'm sorry; I shouldn't use that word.

The Chair: For the record, he apologized to Mr. Parsons.

Mr. Parsons: I've never heard that phrase before.

Mr. Ferraro: Very briefly, having 30 years of experience on the other side and seeing municipal politics unfolding and the town getting larger and the unrest and the dissatisfaction, I had a lot of people say, "You have the tools to run." So I did. I ran a low campaign, with no contributions, and got in.

Ms. Horwath: Great. I hear that you weren't initially interested in this particular committee, so do you have any experience or interest in the field of chiropody or podiatry at all?

Mr. Ferraro: My wife has foot problems.

Ms. Horwath: I was going to ask you how your feet are, but I thought that would be a little indelicate.

Mr. Ferraro: I have big feet, but so far they're good.

I find any type of committee work where you can make a contribution and do something, in this case under the health act—the way I'm reading it, I would think most committees would formulate recommendations to the ministry and to the government for action. That's normally the way municipal politics work, and I do like that, because if you can get a consensus, you can contribute.

Ms. Horwath: You talked a little bit about your business experience and how that urged you to get active on council. Any controversies that have arisen as a result of that?

Mr. Ferraro: Oh, absolutely none. I have no holdings. I don't own property. I don't bring anything up that could be a potential—it's reverse discrimination. I'm sure some of you people may have encountered that. I have to be lily white, because there are certain factions that look and say, "Oh, Ferraro is getting consideration." That's the reverse of that. We're a very well known family in the Guelph area, and that could not happen and would not happen.

Ms. Horwath: Because there was an article that our research staff pulled from July 2004, a headline from the Record indicating, "Ferraro's Tactics Inappropriate, Fellow Guelph Councillors Say." Can you explain to me what that was all about and how you dealt with it?

Mr. Ferraro: That's the George Cuff report. What happened—I want to make this brief. We had a situation that was untenable to the new council. It revolved around the stranglehold on the municipal politics that certain people had.

We commissioned a gentleman from Alberta by the name of George Cuff, who was a specialist in municipal government, to do a corporate review of the city of Guelph, which had never been done in 30 years. The howls in the newspaper started. The unorthodox method that they referred to was, city council could not, we felt, as a board—we were not going to go to the CAO at the time and say, "Would you please authorize us to have somebody investigate your department?" We did nothing illegal. What we did—I was the ringleader. I brought up this petition on a notice of motion at a meeting in the public. The sum was less than $100,000, and the policy is that anything under $100,000, you don't have to ask for a request for proposal. We brought it up very quickly, and that's what the press, who have certain leanings, grabbed on. It became a very sensational thing, but it did accomplish what we wanted, and that was to get control of the politics back into the municipal area, where it hadn't been for a number of years.

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Ms. Horwath: OK. So when you say there was a stranglehold by certain people, you mean staff as opposed to the elected body?

Mr. Ferraro: Senior staff, that's right. I ran on that a year ago. What they were howling about was the procedure. The procedure was totally correct, except we didn't ask their permission. It's like a board of directors asking—

Ms. Horwath: I know. I come from municipal politics too; I get the picture. I appreciate your explanation. Reading the article, it's very difficult to determine exactly what was going on.

Mr. Ferraro: We have a wonderful newspaper. It was the Toronto Star, actually.

Ms. Horwath: We know about your brother's history. You're a member of the Liberal Party as well?

Mr. Ferraro: I am a member every time an election comes up. I notice there are items in here about card carrying. I just carry Visa cards. I have a cousin who's very influential in organizing, so every time there's an election, he sends me a card and asks me for my $20.

I have mainly voted Liberal. I have voted Conservative on occasion, because sometimes when the issues are

similar—we have a policy in a small town: "If I have a problem, who could I go to who would listen to me?"

Ms. Horwath: Have you ever made larger donations than the $20 fee to Liberal campaigns?

Mr. Ferraro: Never.

Ms. Horwath: Did you have any situations, when you were running the last time, in 2003, where prominent Liberals donated to your campaign?

Mr. Ferraro: No. I ran a campaign that cost $1,300. I had no contributions other than from my lawyer, who has been a long-time friend, and my brother Rick. That was it.

Ms. Horwath: My final question would be, is it your intention to continue on after this term on Guelph council? If you get re-elected, are you going to be running again and seek to continue running?

Mr. Ferraro: Yes.

Ms. Horwath: That's all.

The Chair: Mr. Ferraro, thank you very much for your appearance today. As you may know, we move to the concurrence votes after intended appointees are interviewed. You're welcome to stay. In about an hour's time, we will go to those votes.

PATRICK GOSSAGE

Review of intended appointment, selected by third party: Patrick Gossage, intended appointee as vice-chair, McMichael Canadian Art Collection board of trustees.

The Chair: Folks, our second interview is with Patrick Gossage, certainly no stranger to members of this committee. Mr. Gossage, welcome to the standing committee on government agencies. Mr. Gossage is an intended appointee as vice-chair to the McMichael Canadian Art Collection board of trustees—one of my favourite boards, by the way, as a former Minister of Culture.

Ms. Monique M. Smith (Nipissing): Favouritism, Mr. Chair.

The Chair: Not to the individual, although with all due respect, Mr. Gossage is one of my favourite—

Mr. Patrick Gossage: You lived through the fun times, didn't you?

The Chair: We're happy to have you here. You've seen the process: You're invited to make a statement about your interest and your qualifications for this position, and then all three parties will have an opportunity for questions for 10 minutes each, beginning with the official opposition in the cycle. Mr. Gossage, the floor is yours.

Mr. Gossage: I don't intend to blather on, although I seem to have a reputation for blathering on.

About 36 or 37 years ago, I was a young CBC television producer working in arts programming, and I was assigned to go up to the McMichael to see what was going on. It was just after the Robarts had arranged to have it transferred to the province. A.Y. Jackson was out there. The McMichaels had kind of adopted him; I don't know whether you remember that. He's buried there, along with a lot of other Group of Seven people.

There was old A.Y. greeting people, sitting around and being kind of a hero, and we did a piece with him. I went into the gallery, which was really the McMichaels' home. It was quite odd, really, because they had built a long, narrow corridor beside their house where they could display some of the art, particularly the Tom Thomson works, which they'd been collecting. It was really fascinating. I went down this long corridor, a low building, and there were these amazing Thomson sketches. There were 100 of them all along the wall. I was just blown away. I was already a fan of the Group of Seven, but I'd never seen his sketches before, which, as you all know, are just to die for.

Anyway, a lot of things happened in my life. About 12 years ago, I moved out to King. I'm a 905er; I bet there are no other 905ers here, are there? The great 905. That's too bad, because it's a rich area, and this is their gallery, really. A lot of you are not Toronto people, right?

Mr. Michael Gravelle (Thunder Bay–Superior North): Thunder Bay.

Mr. David Orazietti (Sault Ste. Marie): Sault Ste. Marie.

Mr. Berardinetti: Scarborough.

Mr. Gossage: OK, well, there you are. So you know about the issues that confront the smaller galleries that really are local galleries. The McMichael has always tried and hoped that it would become a competitor of the Art Gallery of Ontario, which is dreaming in colour, in my view.

In any case—just wandering on—I spent a lot of my life in cultural promotion. When I was at the embassy in Washington, we brought down artists and singers and so on. We brought down CBC people, and we promoted Canadian culture in Washington. That was before they had this amazing building that Erickson built.

When I came back and started my own company in 1985, we took on a number of cultural clients. I was on the board of the Toronto Arts Council, and we did some work for the Toronto Arts Council. I worked for the Canada Council for several years to try to help it regain its financial health. I worked in various capacities with the CBC at that time, promoting Canadian programming.

The day came when, here we were in King, and I went around to the McMichael a few times and I thought, "Boy, it would be neat to be part of this." I heard that there was a place on the board and made some inquiries and applied, and here I am. The chair, Noreen Taylor, who is quite a woman, decided that she needed a vice-chair, and she asked if I could go through the process, which I did.

I guess this is, hopefully, the final curtain or the final curtain opener, because I really want to work hard. It's just around the corner, it's 10 minutes from my house. I love the place, and I want to help them promote and get new audiences and rebuild from the rather sad situation it has been in in the last few years. That's my statement.

The Chair: Thank you very much, Mr. Gossage. We'll begin any questions with the official opposition.

Mr. Tascona: Thank you, Mr. Gossage, for coming here today. I have watched you on television for many years and have always found you to be a fair commentator. I understand your commitment to the arts, and that's appreciated, because it certainly is a very important task, in terms of dealing with the arts and promoting that. I just want to say that from the outset.

I just want to ask you a few questions. I notice in your resumé—and I don't know if you're still actively involved—you put down that you're the president of Media Profile from 1985 to 2005. Are you still—

Mr. Gossage: Yes, I'm still the president.

Mr. Tascona: So it's ongoing.

Mr. Gossage: Yes, it's my company.

Mr. Tascona: OK, so what does your company do?

Mr. Gossage: It's a kind of a general-interest public relations firm, which has consumer clients, corporate clients. It's quite big, actually. It's about 35 people, and we're quite successful. I started it when I came back from my time in Washington, which was cut short by a change of government.

Mr. Tascona: So your company would be involved in lobbying, I take it?

Mr. Gossage: No, not at all.

Mr. Tascona: Not at all? So what type of work does it do, then?

Mr. Gossage: It's all strictly public relations. It's all getting media attention for our clients. It's promoting their interests with the public, not with politicians. Of course, I always say politicians read the press too, so in that respect I guess—

Mr. Tascona: That's true.

Mr. Gossage: I don't do lobbying at all.

Mr. Tascona: I notice that you were press secretary to Prime Minister Trudeau from 1976 to 1983.

Mr. Gossage: Yes, that's correct.

Mr. Tascona: Are you currently involved in the federal Liberal Party or the provincial Liberal Party?

Mr. Gossage: Federally, happily not. Provincially, no. In fact, the last time I gave blood for the Liberal Party, I was part of Lyn McLeod's leadership team.

Mr. Tascona: Are you a member of either party now?

Mr. Gossage: I'm a Liberal. I'm a member in my riding, yes.

Mr. Tascona: OK. What riding are you in?

Mr. Gossage: I'm in Greg's riding.

Mr. Tascona: Greg Sorbara's?

Mr. Gossage: Yes. Greg, happily, is a supporter of the McMichael.

Mr. Tascona: You've been a board member for a while now.

Mr. Gossage: Yes, for about six months, seven months.

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Mr. Tascona: What do you see as the major challenge facing the McMichael board over the coming year?

Mr. Gossage: From my point of view, it's to develop new audiences and to make it more of a cultural destination for people who live in the 905. I think we'll always have our slice of gallery-goers, who are all getting older, apparently, according to our surveys. So to me, the challenge is to develop it as a family destination and to do a lot more activities than just displaying art.

We're sort of between a rock and a hard place because we have to have good exhibitions. In June, we're bringing in the Jean Paul Lemieux exhibit, which will be much appreciated by the art-going public and hopefully by a lot of the public, who will just be blown away by Lemieux's strange landscapes.

It's getting the families who are in the 905. There's nearly—what?—800,000 in York region and 220,000 in Vaughan. To my way of thinking, these are the people we should be trying to attract. They're all young families. To give them a cultural experience that's really engaging is, I think, its biggest challenge. As well as money, of course.

Mr. Tascona: That's right, and that's what my next point is. Do you think the current facility is physically adequate to not only preserve the current collection but also to do what you think is a goal of making it a family destination?

Mr. Gossage: I guess I have to be honest in front of this committee. It needs renovation. I suppose most of you have been out there and you know the big hall, for instance, that you enter when you come in; this big log hall is a very cold and sort of foreboding hall. It's not very good for receptions and fundraising events. It needs to be cleaned up and better lit. There are a lot of building issues because it's a log building.

We had a visioning exercise, and Charlie Hill, who is the curator of Canadian art at the National Gallery, came through. Of course, he looks around and he says, "Oh boy, I don't know"—because remember, I told you about the halls. Well, two of the galleries are also long halls with low ceilings, and one could argue that for a first-class gallery, one might have to look down the road at renovations or perhaps the building of another gallery. That's beyond our ability to even dream about at this point.

If you asked me if it's a really proper gallery for the value of its collection, the answer is probably no. But for the purposes I was describing to you, it's fine.

Mr. Tascona: I understand. Can you tell me a bit about your thoughts regarding the direction the board should be taking concerning their acquisitions?

Mr. Gossage: There's been a lot of controversy about the board's ability to acquire what it would really like to acquire. But I think this current board is very respectful of the McMichael's mandate and the founder's—we call him the founder—concept of the gallery to keep it within the Canadian landscape tradition, to keep it accessible. "Accessible" is a big word for me. To me, "accessible" means I don't want to walk into the McMichael and see a hamburger. I think we have to differentiate ourselves from the AGO, which, of course, has lots of modern

Canadian works and modern European works and so on and so forth. I think probably the acquisition strategy will remain within the famous list, which, by the way, is about 18, not just the group. So it's a pretty big list.

It's fascinating. Lawren Harris's family still has amazing sketches which Harris did in Europe when he was a young man. The other day, they just gave us seven or eight—or we acquired them at a very low price. So Group of Seven stuff is still surfacing and still coming to the gallery. I would really like to see it being the absolute centre of 100% Canadian art, which focuses still on that great group and their successors.

Mr. Tascona: I appreciate what you're saying.

Mr. Gossage: It's hard, though, because we still have somebody representing Signe McMichael on the board, which is part of Bill 112. As you know, Robert died last year, and his widow has a representative who's fairly rigorous about sticking to the original founder's wishes. I don't think it's very restricting, to be honest with you.

Mr. Tascona: OK. Those are all the questions I have. Thanks very much.

Mr. Gossage: You know what? We all love them anyway, so what's going to attract audiences?

The Chair: Ms. Horwath.

Ms. Horwath: Good morning. It's my pleasure to meet you. I've never met you before.

Mr. Gossage: Thank you. I certainly know who you are.

Ms. Horwath: Thank you. I can certainly see your passion for the gallery, and that's excellent. You're fairly recent on the board. Looking through current board members, there are a couple of people who have been there a little bit longer than you have. What is it that got the chairperson to encourage you to take the vice-chair position as opposed to someone who might have been there a little bit longer?

Mr. Gossage: You'd have to ask her. I think promoting this gallery is absolutely key. Its attendance is at 100,000, and in the glory days it was at 200,000. There's only one other person with sort of promotional experience on the board, Ray Argyle, and I don't know when his term's up. I think she wanted somebody new. By the way, we have 23 seats, of which I guess 10 or whatever are filled. There's lots of room for new people. I don't know.

Ms. Horwath: Your particular background filled a niche that you see as being important for the future of the gallery, is it fair to say?

Mr. Gossage: Yes. I think I had lots of ideas about how to promote it more effectively. They're exploiting everything I know every day of the week.

Ms. Horwath: That's good. That's what you're there for.

Mr. Gossage: I just wrote a communications plan for them, for which I'd normally charge $7,000 or $8,000.

Ms. Horwath: You talked a little bit in your comments about the needs that the gallery has probably over some period of time in regard to renovations and different things like that. What role do you think the private sector has to take in the development of public art galleries and cultural attractions?

Mr. Gossage: Obviously, one would like to see our basic funding go up from $2.9 million to something a little bit closer to what our actual needs are, but our money-raising efforts have not been as effective as they perhaps could have been over the last couple of years, due to the changes and the worries about the mandate and the worries about Bill 112 and so on. In fact, I know wealthy people in our area who just stopped giving, so it's getting those people back and convincing them that the gallery is back on track, that it's got a good vision for its future, that it's professionally managed and so on. You've probably been on hospital foundations, right?

Ms. Horwath: No.

Mr. Gossage: Raised money for hospitals? No? Anyway, South Fork or South—the big hospital in Newmarket has been hugely successful at raising money in its catchment area. There are a lot of people with money up there. In fact, there was a pig farmer in the Holland Marsh who wrote a cheque for $100,000. We have to tap into those people and say, "This is your gallery. This is the place you bring your friends and your kids. You know what? You've got to pony up too." Then there are all the horsey people up there who have tons of money. We haven't tapped into those people, and others are.

Ms. Horwath: It's interesting, because you mention Bill 112 and the changes that came with that and the controversy around that in—I guess it was the year 2000.

Mr. Gossage: Yes, 2000.

Ms. Horwath: How has that affected the gallery?

Mr. Gossage: It had a devastating effect on it in the first year, the suit and everything. Mr. McMichael was reasserting his authority over the gallery, and people just said, "I don't need to give money to a place that is, in effect, being run by a founder who's a little"—you know, he'd change his mind regularly and all that kind of stuff. Anyway, he kind of took over the gallery again, and that really turned a lot of people off. We in fact had to turn down money. Some corporations were lined up for the exhibition, and Robert decided we didn't want it, so we had to turn down the money. There was a real era of uncertainty, which I think we're now over because Noreen is—well, we've turned the page, I think, although the bill is still in place.

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Ms. Horwath: Maybe the government members can take that under advisement and do something about that.

Mr. Gossage: The minister is very sympathetic, I should say. Will we get a new bill? I don't know, but if you care about culture, it's probably not a bad thing to support.

Ms. Horwath: True. Explain once again what your vision for the gallery is from here going forward.

Mr. Gossage: I see it as a cultural attraction and much more than just the art that's in the gallery, that we maintain the highest curatorial standards and people who care about gallery-going will still come, but that we have attractions that will appeal to families.

For instance, the restaurant has fallen into—you know, the current restaurant operator just offers sandwiches and things. We could have a first-class restaurant there. We need more presence on the street. If you drive into Kleinburg, it's kind of hidden. We need all kinds of tweaks. We need all kinds of summer and fall events to really pull out families. They'll come into the gallery and they'll have a cultural experience as well. We're going to have summer festivals and that kind of thing.

There's 100 acres of absolutely gorgeous conservation area that's run by the Metropolitan Toronto region conservation area that goes down into the valley. Have you been there?

Ms. Horwath: No, I haven't.

Mr. Gossage: Oh, you better come.

Ms. Horwath: I'm going to. That's on my list of things to do, for sure.

Mr. Gossage: You'll love it. Bring your kids, nephews or nieces or whatever. Kids love it. By the way, we attract as many schoolchildren—almost the same number of schoolchildren as go to ROM come to McMichael, so that has been done extremely well. They have great kids' programs there during the day. In fact, you're falling over kids when you go there during the week.

Ms. Horwath: That's great. And it is on my agenda of things to do. I have a couple of friends who have been urging me many times to find the time. So I do have that on my agenda.

When you got involved last year, what did you see as your time frame for participating on this board? How long did you think you would be there and feeling that you're accomplishing some of the things you're setting out to do?

Mr. Gossage: We had a situation when I arrived, which was a very difficult situation with the then current CEO who decided to leave, so we had to find a new CEO. Looking forward—I love people who say, "I'm of an age where I can give it time." But it's true. My company is going well. I'm 65. I get my cheque. It's quite great, actually. I have time to give, and I give it a lot of time. I hope I'll be on for a couple of terms. I hope so, because, you know, it's my gallery. It's around the corner.

Ms. Horwath: Absolutely. OK. Thank you very much.

The Chair: To the government side.

Mr. Parsons: I grew up in a home where the centrepiece of our art collection was a velvet painting of four dogs playing poker.

Ms. Horwath: We had Elvis.

Mr. Gossage: Are you sure it wasn't the dogs around the table drinking and—

Mr. Parsons: They were playing poker around the table. Ours was the deluxe edition, I guess.

Mr. Gossage: OK.

Mr. Parsons: So we don't believe we're really qualified to ask questions. We're very impressed. Thank you.

Mr. Gossage: OK. Thanks.

The Chair: That might come back into—

Ms. Smith: I've been thinking I'm not qualified—

The Chair: The members on the government side look a little stunned. Is there anything else?

Mr. Parsons: They didn't realize what I was thinking, but they do now.

The Chair: There we go. Great.

Mr. Gossage, thank you very much for your presentation today. As you probably know, we'll move to the concurrence votes shortly after the next intended appointee. So please stick around.

Mr. Gossage: I should say that on June 8, we're opening Jean Paul Lemieux. Please see if you can come out and either let me know or, as an MPP, let the office know. You'd be more than welcome. It will be a good party and an amazing exhibition.

Interjection.

The Chair: Very kind. Thank you very much.

Mr. Gossage: June 8. Thanks a lot.

STANLEY CHOPTIANY

Review of intended appointment, selected by official opposition party: Stanley Choptiany, intended appointee as member, city of Barrie Police Services Board.

The Chair: Our next intended appointee is Stanley Choptiany. Mr. Choptiany is a member of Mr. Tascona's riding, right? Barrie area?

Mr. Tascona: That is correct, Mr. Chairman.

The Chair: He is an intended appointee as a member, the city of Barrie Police Services Board.

Mr. Choptiany, welcome to the standing committee on government agencies. You've been here in attendance from the drop of the gavel, so you've seen how the procedures work. You're welcome to make your opening statement and comments, and we'll begin any questions with the third party.

Mr. Stanley Choptiany: Mr. Chair and members of the committee, thank you for the opportunity to appear before you today.

I believe strongly in the need for shared community responsibility as it pertains to the well-being of the members of our society. Accordingly, I've endeavoured to make contributions to my community in the areas where I have some expertise and interest.

I've lived in Barrie for over 25 years and watched it grow from a town of 40,000 to a city of well over 125,000. My experience as a school administrator, teacher and coach in several area high schools has enabled me to develop close links with hundreds of families.

My eight-year tenure as a member of the board of directors of the Barrie/South Simcoe United Way helped me understand what community services existed and what needs there are in our community. I was instrumental in developing school programs for students with social and addiction issues. Through those programs, I worked on a committee with the previous police chief

Jack Delcourt and several community relations officers to better police support in schools.

My work as a board member of the Women and Children's Crisis Centre and my position with the school board as chair of the family violence committee again enabled me to work closely with Barrie Police Services to help coordinate services for battered women and for the children who experienced or witnessed acts of violence in the family.

My volunteer work with the Barrie Out of the Cold program has enabled me to better understand the situation of the homeless and extremely needy in our community and, as a team leader, I have a good understanding of the work the Barrie police do to support these individuals.

My volunteer and professional career has given me specific experience in working to prepare and present million-dollar budgets, do performance appraisals of the chief operating officers, develop meaningful community needs-based policies and clearly understand the strict limits that exist for board members.

I am currently working with a small citizens' group to bring wind turbines and alternate clean energy to the city and have had several initial promising meetings with representatives of the city of Barrie.

I believe I have a good understanding of the strengths and needs of our community, and I hope to be able to make further contributions by serving on the Barrie Police Services Board. Thank you.

The Chair: Outstanding, Mr. Choptiany. Thank you very much for your presentation and your interest in this position. Questions will begin with the third party.

Ms. Horwath: Good morning. I'm going to get the basics out of the way first. Are you a member of any particular political party?

Mr. Choptiany: I am now a member of the provincial Liberal Party. I probably was a 35-year member of the NDP, but in this last election I supported the Liberal candidate.

Ms. Horwath: Have you made donations to any political parties?

Mr. Choptiany: I did at the time of the election, a small donation, but I haven't continued that.

Ms. Horwath: When you were thinking about the possibility of applying for this appointment, did you seek any advice from anyone? What made you apply? What made you decide that this was the place where you could put your experience to work?

Mr. Choptiany: I narrowed it down to two areas. I retired three years ago from teaching, and I've always had an interest in being involved publicly. Besides some of the things I've mentioned, I've also sat on the Nottawasaga board of directors and worked for the conservation authority and some other groups.

But because I had time—I've some expertise in community health; that's what my master's degree is in—I applied, I guess, two years ago to several positions there, and I've kept an eye out on what areas I think I could contribute. There was nothing in the community health area that became open, but when the police services position became open, because I had such a good working relationship with the police previously, I thought I had some talents and some interest in serving with them.

Ms. Horwath: Did anyone in particular recommend it to you or suggest to you—

Mr. Choptiany: No. It's something that I kept an eye out in the public appointments Web site.

1050

Ms. Horwath: I was interested in looking at your resumé and even the few comments that you've made as introductory remarks around your family violence prevention program. Can you tell me a little bit about that? I'm just curious.

Mr. Choptiany: From a school standpoint, we were realizing—and this is going back 10, 12 years, maybe even 15 years—that kids were coming to school and, as teachers or as a school, you'd be asking the students for homework or you'd be asking them why they were acting out, and certainly in my position as a vice-principal I got to see lots of kids in need. What came forward in many of those stories were, "Mom and dad had a fight. Mom got beat up. I got beat up. My mom and I went to the shelter last night." Kids were coming to school with horrendous experiences. As a school system, we weren't recognizing that these kids were coming with that baggage. We were saying things like, "You're five minutes late" and you'd give them detention, things like that, "Why isn't your homework done?"

When we looked at the next stages, we realized that when students went to the shelter, one of the difficult things from within the school board itself was that the shelter had a physical presence. It was close to one school. The kids were transferred out of their home school and would be re-enrolled in a local elementary school, which was difficult, to say the least, because those kids lose their friend base, they lose their support base; not only had they lost their homes, they've lost all their connections.

So we worked with the school first, and that was my work with the family violence committee within the school boards, to take a look at whether we could alter busing so that those kids could stay at their home school and whether we could support them within the school so that they could get counselling services or their teachers would know from a confidential standpoint what was happening to these children.

But the next area that was important was to work with the police, because most often the police were involved in the direct incident, and those kids sometimes had to be interviewed or see their moms go through a difficult court process. It was a growth experience for the police to develop a sensitivity and develop, I think, a very good program of support for the women and that got my interest to be involved with the Women and Children's Crisis Centre, so I worked to be on the board to carry that part through.

Ms. Horwath: It sounds like an excellent program. That still exists now in the community, and the police are still active with the school board and the shelters?

Mr. Choptiany: Yes. Not only do they do a continuing excellent job, but they've evolved in their approach and they've done, I think, a really positive job through the years.

Ms. Horwath: Are there any areas that you see from your experience in community, other than this one, that require more attention from the Barrie police?

Mr. Choptiany: There are questions I will ask around visible minorities, because when I first came to Barrie—pardon the expression, but we used to say this was "white sliced bread." In a school of 2,000, you might have one or two people of colour. That's no longer the situation in the schools and it's no longer the situation in our community, but it's much more reflective of what Canada is composed of. It would be worthwhile taking a look at how the Barrie Police Services addresses those needs. We have some officers of colour and visible minorities, but are they serving the needs of the actual community? What are the demographics? I don't get a sense that there's a problem, but it's worthwhile doing the background checks and the homework to make sure we are proactive in that particular area.

Ms. Horwath: Do you know what the crime stats are in Barrie? What are the major issues in terms of the statistical analysis of crime?

Mr. Choptiany: I don't have specific figures in my mind, but we've gone from small crime to now large crime. Certainly the Molson's growing operation was an indication that it's no longer local crime. We've got large-scale operations going in. We have some local issues on the main street of town after 10 o'clock at night. When you read the newspapers, there's nothing that stands out in a way that's different from the Toronto papers, except I don't think we have very many guns, which is a nice situation.

Ms. Horwath: All right. That's it, Mr. Chairman. Thank you.

The Chair: To the government member, Mr. Gravelle.

Mr. Gravelle: Very satisfied.

The Chair: Very satisfied. OK, thank you, folks.

To the official opposition: Mr. Tascona.

Mr. Tascona: Thanks for coming here today, Stanley. I appreciate your candid views so far based on the questions from Ms. Horwath. I just want to ask you, do you have an opinion with respect to police associations being involved in the election process?

Mr. Choptiany: Well, I do. As individuals, I think they have full rights to support whom they would like to support, but as a large group, they're in a unique position where not only do they have to know the law, they have to enforce the law. If they are put in a position where they could influence how laws were made or could lobby for specific laws, I would see that as a conflict of interest. I have some reservations around the police unions supporting specific candidates or working within a lobby framework. I don't have any issues from an individual standpoint.

Mr. Tascona: OK. In your resumé, you have a number of references here. A chap by the name of Barry Green: Can you tell me something about him?

Mr. Choptiany: Barry is one half of GreGor construction. Paul Gordon's the other half. They're put together to be GreGor. Barry's going to—

Mr. Tascona: That's fine. I know Barry. I just want to make sure, because the spelling was a little different than what I know it as. Sandy Thurston?

Mr. Choptiany: Sandy was the executive director for the Barrie/South Simcoe United Way when I was a member and chair of the board.

Mr. Tascona: Bill Lawrence?

Mr. Choptiany: Bill has been a family friend for—actually the first family friend since I moved to Barrie and someone who could certainly assess my strengths and weaknesses. We've been canoe buddies for years.

Mr. Tascona: That's great. Police services in Barrie, as you know, are provided by the municipal police force, and the chief of police is Wayne Frechette. I believe you know Wayne?

Mr. Choptiany: Yes.

Mr. Tascona: In the city of Barrie, there are a number of issues I want to go through with you. As in many municipalities, the cost of policing in the city of Barrie has been climbing steadily, In 2001, the total police budget was $15.4 million; in 2005, it was $27.2 million. So the budget increased by more than 23% in the last fiscal year. There was a debate in 1998 with respect to OPP policing, and that was rejected by city council. According to the Ontario Civilian Commission on Police Services, the number of municipal police forces is at 63 to date. Do you have any views on how Barrie can contain rising police costs, and do you believe the city should reconsider contracting police?

Mr. Choptiany: When I looked at those figures, one of the things that struck me was that, in 2001, the population of Barrie was just around 100,000 in terms of what is posted, and now it's posted at about 125,000. The reality is it's much higher. Just that increase in population alone represents about a 20% to 25% increase. So, in some ways, yes, the budget has increased dramatically, but in other ways it has kept pace with the population.

Certainly the nature of crime has changed so that the expense of crime has changed. I don't see a way of cutting services as a solution. I would see a strong statement saying, "We need this kind of budget, and we need to look for ways of supporting that kind of budget." The Liberal government has made a statement about paying half of the costs for new officers. I would certainly like to see us press the government to say, "Look, Barrie has some special needs. Maybe we need to extend provincial funding in a way that can support us."

With respect to the OPP, I was vice-principal at Banting when the city of Alliston changed over their police services from a local police situation to the OPP.

1100

When I worked with the Alliston police, it was phenomenal: The police officers knew the community, they knew the kids, they knew their parents, they knew where drugs were coming from, they knew who had stolen goods. It was a case of "I know this person, I know 10 others." The effectiveness was fabulous.

When we changed to the OPP, even though some of the officers from the local force became OPP officers, we lost that connection. The effectiveness, the day-to-day policing, where you know the needs of the individuals, was really diminished.

So I have some concerns that, yes, you can look at black-and-white funding and, yes, we could probably service the police with OPP in Barrie for a smaller cost, but I think we would lose that very, very important community connection that they've developed in a very wonderful way in Barrie.

Mr. Tascona: Red-light cameras: In August 2004, the province announced that municipalities could use cameras to fine drivers who run red lights. In September 2004, Barrie city council asked its police service for an opinion on the feasibility of installing cameras at various intersections. Police chief Wayne Frechette reported in November, expressing concerns about the costs of the cameras and suggested that directed traffic enforcement—police units monitoring problem intersections and school zones—works better. That's obviously before they got rid of option 4. The city suspended plans to adopt red-light technology in April 2005. Do you support the adoption of red-light cameras?

Mr. Choptiany: No, I don't. When I come down and drive in Toronto—

Mr. Tascona: That's all right. I want to go through a few more. So that's your answer; that's good.

Option 4: In November 2004, Monte Kwinter announced that the program would be cancelled. Under Barrie's option 4 program, drivers were charged a $145 administrative fee, which generated about $1.1 million in revenue annually, which is a net revenue of $650,000. Barrie's police chief, Wayne Frechette, said that the cancellation of the program would remove a valuable source of revenue and could affect the ability of the police service to provide adequate traffic enforcement. In cancelling option 4, Minister Kwinter argued that the program was unevenly applied across the province. Do you believe that the cancellation of the option 4 program will or could affect the ability of the Barrie Police Service to provide adequate traffic enforcement?

Mr. Choptiany: I'd see it as a situation where you had a program where people were unequal before the law. I think that's a greater need to correct than the $450,000 loss. So I think that's a situation where that source of income, while the money is needed, should be stopped. I agree with the cancellation of option 4. If you look to Barrie's streets, there are a whole bunch of speed traps everywhere. So there are other sources of income that I think they're making up for.

Mr. Tascona: I hear you.

On public complaints: In 1997, the independent police complaints commission was abolished and replaced with a system under which public complaints are handled, in the first instance, by the police force that is the subject of the complaint.

The LeSage report has come out since then, suggesting and recommending to the Attorney General a different approach to deal with that. The LeSage report has drawn some criticism from municipal police forces. For example, Windsor Police Chief Glenn Stannard has warned that a civilian complaint system will be more costly and that the police will have little trust in it.

The Ontario government has promised to introduce legislation by the end of this year. Do you have an opinion on the public complaints process, whether the status quo should be kept or we should be moving to the model that Justice LeSage has said?

Mr. Choptiany: Well, I did a lot of homework on this, and the key factor here—I know we're short on time—is transparency. It's not just being transparent, but being perceived to be transparent. When I took a look at how many pages and how many sections were deleted in the legislation when the new legislation came in 1997, there's a question in my mind about deletion of transparency. I noticed that there was a Bill 220, which Mr. Hampton put forward, and that did not go ahead. That would have reinstated that process.

I think there's a strong belief within the government circles that we do need to either return to a system that worked or to develop a new system, using Judge LeSage's recommendations, that maintains a greater transparency.

Mr. Tascona: I think I understand your point on that, and I appreciate that.

Just one final question: What would be your major goal with respect to being on the Barrie Police Services Board? What would you want to accomplish?

Mr. Choptiany: I feel very good about our police services, but one of the things that has been sort of a driving force for me is to be able to see that people are in tune with meeting community needs. It's a diverse community. I think our police services do a good job, but I think there's a way to make sure that we keep listening and, as the needs evolve, that we respond proactively.

Mr. Tascona: I want to thank you for coming here today. I appreciate it.

The Chair: Mr. Choptiany, thank you very much for your presentation. Please stick around and make yourself comfortable as we move to the next part of our agenda, which is the concurrence votes.

In the order that we did the interviews, we will now consider the intended appointment of Ray Ferraro, intended appointee as member, Council of the College of Chiropodists of Ontario.

Mr. Parsons: I would move concurrence.

The Chair: Mr. Parsons moves concurrence. Is there any discussion on Mr. Ferraro's intended appointment? Seeing none, all those in favour? Any opposed? It is carried. Congratulations to Mr. Ferraro.

We will now consider the intended appointment of Patrick Gossage, intended appointee as vice-chair, McMichael Canadian Art Collection board of trustees.

Mr. Parsons: I move concurrence.

The Chair: Mr. Parsons moves concurrence. Any discussion? All those in favour? Any opposed? Mr. Gossage, it's carried. Congratulations on the appointment as vice-chair. Continued success at McMichael.

We will now consider the intended appointment of Stanley Choptiany, intended appointee as member, city of Barrie Police Services Board.

Mr. Parsons: I move concurrence.

The Chair: Mr. Parsons moves concurrence. Discussion? All those in favour? Any opposed? It's also carried. Mr. Choptiany, congratulations and all the best at the Barrie Police Services Board.

COMMITTEE BUSINESS

The Chair: Folks, as we discussed at the beginning, we will now move to other business.

The Chair has an item. I will wait and see if other members have other business first.

Mr. Tascona: I just want to recognize that in the package today you had received a letter from the Honourable Dwight Duncan, government House leader, with respect to the standing committee review of the intended appointments for the local health integration networks. He's assuring you that the government is committed to our review. I know there are going to be some reviews with respect to this.

I just want to point out that I did receive something from the Ministry of Health on this particular issue. As you know, the LHINs haven't really been established, though the Speaker has ruled that it's in order that these orders in council are going to be reviewed.

I received an e-mail on May 4 from Scott Lovell, who is a caucus relations and MPP liaison in the minister's office, Ministry of Health and Long-Term Care. What he indicated in this is that:

"1. The government intends that LHINs would be established by letters patent under the Corporations Act. Under section 4 of the act, at least three people must apply for incorporation of a corporation, and sections 121 and 284 of the act provide that, upon incorporation, those applicants become the first members and directors of the LHIN corporation.

"2. The government intends that the letters patent would provide that only persons who are nominated by an order in council of the Lieutenant Governor in Council may be members and directors of the LHIN. The initial term of the founding board members would be up to three years.

"3. Section 106(e) of the standing orders of the Legislative Assembly of Ontario provides that the standing committee on government agencies," which we are, "is empowered to review all intended appointments by the Lieutenant Governor in Council to an agency where the government makes some or all of the appointments and where an OIC provides that the term is more than 12 months.

"4. The government has selected 42 people (three people per LHIN) as its nominees as the first members and directors for the 14 LHINs. If the standing committee concurs with these nominations, these candidates would apply for the letters patent of their respective LHINs under the Corporations Act and, as described above, would become the first members and directors of the LHINs. As such, the government is making an 'intended appointment' to an agency or corporation and has submitted the names of the intended directors to the standing committee for its review. While the formal mechanism to effect this result is a 'nomination' by the Lieutenant Governor in Council under the Corporations Act (as opposed to an 'appointment'), the government considers that this is effectively the same and the standing order applies."

So we're going to be reviewing the LHIN appointees. The third party and our party have made some selections. I just want to point out that we want to review this agency, the LHINs, once they're formally established. It would appear that the LHINs are not established at this point in time and that they need the appointees to make this happen. But I want to be on record, because on March 30 I made a request, as a motion, to review the LHINs. That was defeated by this committee because of the reasons that were provided by the government party, but quite clearly, the LHINs aren't established. This might not happen for a number of months, if not in this year. So I want to keep that on the record that we will want to review the LHINs as a part of our mandate for this committee. I want that on the record, and I want Mr. Parsons to take that back to his government House leader that that's our intention.

The Chair: Thank you, Mr. Tascona.

Any further comment on Mr. Tascona's other business? Seeing none, do any other members of the committee have other business?

I have a Chair's item. Members may know we do have a bit of a backlog now on intended appointees. I believe there are 22 individuals, intended appointees who have been called by various members of the committee, the vast majority of whom, but not exclusively, are for the LHINs.

This committee is entitled to meet on Wednesday mornings while the House is in session. I propose to extend the meetings from 9 a.m. until 12 p.m. to try to knock down that backlog. As members know, we can always extend by unanimous consent the 30-day period for an intended appointee who has been circled to come before the committee, but I would rather, in fairness to all individuals concerned, try to get those done within the 30 days as much as possible.

So, for our meetings upcoming, which will be, if I have my dates correct, May 18, June 1 and June 8, we will meet from 9 a.m. until noon. The 25th, of course, is constituency week, and I've not seen much support from

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 18 May 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 18 mai 2005

The committee met at 0904 in room 151.

SUBCOMMITTEE REPORT

The Vice-Chair (Ms. Andrea Horwath): Good morning, everyone. Welcome to our standing committee on government agencies. The Chair is delayed this morning, so I'm standing in for him briefly, I hope.

Our first order of business is to approve the report of the subcommittee on committee business that's dated May 12, 2005. Can I get someone to move the adoption of that report?

Mr. Michael A. Brown (Algoma–Manitoulin): Do we have that?

The Vice-Chair: It should be in your packages.

Mr. Brown: I'll so move.

The Vice-Chair: OK. All in favour? Any opposed? That's carried. Thanks a lot.

COMMITTEE BUSINESS

The Vice-Chair: The next piece of work we need to do is extend some deadlines. Pursuant to standing order 106(e)11, unanimous consent is required by the committee to extend the 30-day deadline for consideration of the following intended appointees, and there's quite a long list, so bear with me: Ian Wilson, Kuldip Kandola, George Todd, Mina Grossman-Ianni, John Whitfield, Juanita Gledhill, Michael Welsh, Kathryn Durst, Kenneth Morrison, Ruben Rosen, Mathilde Gravelle Bazinet, John Magill, Penny Thomsen and Gregory Andrew Joy. The issue here, though, is that we can extend for 30 days, 60 days or 90 days. I'm in the hands of the committee in terms of what you want to do.

Mr. Brown: Madam Chair, it is our view as the government that we would like to hear the 12 candidates for the LHINs remaining after today. I understand that the House leaders have agreed that we can use May 30, in addition to June 1, to do that. For the LHIN appointees, I would like to move that we extend the period to allow that to happen on May 30 and June 1. I don't actually have the list in front of me, so I'm a little—

The Vice-Chair: I think that will take in everyone that you're talking about, if we extend just until June 29, and then if we need another extension, we can do it at that time. We don't need to do it all today.

Mr. Brown: But the government's view is that we want this done on May 30 and June 1, because there are some time constraints on doing that. Can we incorporate that into the motion?

The Vice-Chair: I think the scheduling of the meeting is not a problem, unless we want a motion to that effect, that we have the committee meet on those particular dates. That has to be a House motion.

Mr. Brown: I'm sorry?

The Vice-Chair: Apparently, there needs to be a motion in the House for that to occur, because the regular committee day is Wednesday. You'll have to get your House leader to put a motion to the House to allow us to sit on days other than our regular days. I don't think there's a problem with that; I think everybody wants to see those LHINs interviews occur and get that happening, so Mr. Duncan will have to bring a motion to the House to allow us to sit on days other than our regular committee days. In the meanwhile, we'll just extend the deadline by 30 days, if I can get a motion to that effect, and that will take those dates into consideration.

Mr. Brown: I make that motion to extend for 30 days.

The Vice-Chair: That's moved, then. Any discussion? All in favour? Any opposed? That's carried. Thank you very much.

As has been the normal practice, if there is any other business, we'll put it to the end of the agenda, if that's all right with the members.

INTENDED APPOINTMENTS

NORM GAMBLE

Review of intended appointment, selected by the third party: Norm Gamble, intended appointee as chair and president, South West Health Integration Network.

The Vice-Chair: We'll now move into the section of the agenda to deal with appointment reviews. Our first interview is with Norm Gamble. He is the intended appointee as chair and president of South West Health Integration Network. Mr. Gamble, are you here?

Mr. Norm Gamble: I'm here.

The Vice-Chair: Welcome. Have a seat wherever you're comfortable at the end of the table. I'll let you know the process. You're the first one today, so you're going to be the person who shows everybody else how it works.

Initially, you have an opportunity to make some remarks and tell us about yourself, anything you think we should know that we would be interested in, even stuff we're not interested in—I'm just kidding. We're interested in everything. So you have that first opportunity, and then, subsequent to that, on a rotational basis, the members will have an opportunity to ask you questions. Each party has about 10 minutes for questions, and again, it will be in rotation, starting with—who are we starting with this time?—the official opposition. Any time you take in your presentation will be deducted from the government side in terms of their allotment of time.

With that process in mind, again, welcome. Good morning.

0910

Mr. Gamble: Thank you, Madam Chair. I recognize that I am the first one up for the LHIN recommendations. I appreciate the opportunity to appear before the committee. I'm pleased to have been nominated.

The background you have seen in my application is relatively straightforward, although I could highlight some of it. I've recently retired from a position as chief administrative officer for the county of Grey. I had spent some 32 years in municipal administration, the last 15 of which as administrator for Grey county. During that time, my experience with health care gradually increased. As many programs were devolved from the provincial level of government to the municipal level, we found ourselves more heavily involved in such things as long-term care, financial support to the hospital sector, public health and, in recent times, land ambulance. I recognize that some of those are not part of the LHINs' responsibilities, but they have given me some insight into community health concerns.

For the most part, my time with Grey county was spent with municipal restructuring, trying to assist some 27 municipalities become nine, including the conversion of the separated city of Owen Sound into a member municipality in a county system. That gave me plenty of opportunity to experience change first-hand and to experience the successes, and perhaps some failures, that come with that type of change.

Prior to being with the county of Grey, I was with the city of Cambridge in administration—in parks and recreation administration at the outset; my initial training was in municipal recreation. So my experience has been varied but restricted to the municipal administration sector.

I'd be happy to answer any questions, Madam Chair.

The Vice-Chair: The first group of questions will come from the official opposition.

Ms. Laurie Scott (Haliburton–Victoria–Brock): Welcome, Mr. Gamble. You have an impressive resumé and background. How did you hear about the position?

Mr. Gamble: Last October and November, as the Ministry of Health was planning some regional workshops to introduce the LHIN concept, I attended one of those workshops because of the county's involvement in health care, particularly in long-term-care homes for the aged. That was the first information I received on the LHINs.

At Christmas and in January 2005, I made my decision to retire from municipal administration, and at the same time saw the newspaper ads for board and chair positions for the LHINs. That came coincidentally with my own personal timing, and I thought it would be something I would enjoy and find challenging. So I took the newspaper ad and placed applications for both chair and member.

Ms. Scott: You applied, then, through the normal process on the Web site?

Mr. Gamble: As far as I knew, it was the normal process. I did apply electronically through the Web site and sent hard copy in by mail.

Ms. Scott: It's been difficult to find out how the process is working with the LHINs, since you are the first one to be interviewed and the LHINs are just starting to be assembled. Just three members are appointed to each LHIN right now. Is that correct, according to your knowledge?

Mr. Gamble: My understanding is that three members have been nominated for each LHIN so that the LHINs can be incorporated as not-for-profit corporations. That's the reason for that number.

Ms. Scott: Are you aware of the letters patent, which is the first priority you may be dealing with, and how that process is to work?

Mr. Gamble: Yes, I'm familiar with letters patent.

Ms. Scott: Could you explain it a little bit?

Mr. Gamble: I'm familiar with letters patent because of other experiences, but my understanding is that the government intends to establish the LHINs as not-for-profit corporations. As such, they will need signing authorities, and that's the reason for nominating three people at this time. The not-for-profit corporations would be stand-alone corporations, at arm's length from the government, but would work through a memorandum of agreement with the government in terms of what their responsibilities and performance would be.

Ms. Scott: Are there other names you have been given—you were going to select, then, the remaining LHIN members?

Mr. Gamble: My understanding is that eventually there are to be nine members of each LHIN board. At this point, three have been nominated. They want to move very quickly with nominating another three. The initial boards of three or six will be involved in adding the necessary bodies to give it full membership.

Ms. Scott: So at this point you haven't been given any other names of the remaining six that the three of you will choose for your LHIN?

Mr. Gamble: My understanding is that the three of us will have input. Whether it's on the remaining six or the final three, I'm not sure.

Ms. Scott: So you haven't been given any further direction.

Has there been a date given when you have to be set up and finalized?

Mr. Gamble: My understanding is that initially there was a target date of April. The target date now is June, and the full membership target date is the end of 2005.

Ms. Scott: So it won't be till the end of 2005 that they're going to be fully operational?

Mr. Gamble: I can't say whether they'd be up and operational without full membership. I assume they would try to be.

Ms. Scott: You haven't been given any direction, or there has been no information sent to you with any more specifics than what you've just said to me?

Mr. Gamble: If I have, I haven't done a very good job of reading it all.

Ms. Scott: There was the recent bulletin that came out, I think, on May 16. I don't know if you were able to see that on the Web site.

Mr. Gamble: I tried yesterday morning. Unfortunately, I haven't accessed since then, so I haven't seen the one from May 16.

Ms. Scott: Each of the LHINs represents a huge part of the province, and they're going to have a tremendous responsibility. I do hear a lot of concerns from my constituents, and there are a lot of concerns from all over Ontario. We're hearing from the Ontario Hospital Association, especially, that the amount of funding the government is directing to the hospitals is inadequate. How do you think you're going to be able to juggle the demands for health care services within your LHIN?

Mr. Gamble: I think it's premature for me to say how something like that will roll out. I know the intention is that there will be a progressive rollout, first, of a planning responsibility, then of an integration and coordination responsibility, and finally, of a funding responsibility. So the perhaps more challenging mandate of funding will not happen initially. I think that's wise, in terms of giving the LHINs the opportunity to get on their feet and running before they're confronted with some of the more difficult mandates.

Ms. Scott: Do you feel that the LHINs are going to be an increased layer of bureaucracy? Personally, I would not want that they be seen as an increased layer of bureaucracy. How do you think they won't be, and will be an effective body, considering that the district health councils are now dissolved?

Mr. Gamble: The information I've been able to read is that the intention is it would not be an additional level. If anything, perhaps it would have the ability to streamline the processes that are there. That's not the intention, as far as I've read the information.

Ms. Scott: You have a lot of experience in the background. Do you have your own feelings about how the LHINs may work? Regionalization is what is occurring. Do you see this as being a positive impact on the delivery of health care?

Mr. Gamble: Perhaps the best way to respond to that is, I had experience with the previous government's Ontario Smart Growth process as a panel member for southwestern Ontario. Initially, in that process, I was not a great fan of Ontario Smart Growth, particularly with the geographic boundaries that were established for it, which coincidentally, in the southwest, are very similar to the LHIN boundaries. As I worked through the Ontario Smart Growth process, I became more and more supportive of the concept of regional planning in particular. I saw that while there's always going to be a lot of difficulty with drawing geographic boundaries, the thrust of doing larger regional planning, larger regional co-operation, has a lot of merit to it. So if the LHINs evolve in some way that the Ontario Smart Growth had the opportunity of evolving—and maybe still is; I'm not sure—then I would be supportive.

0920

Ms. Scott: Have you been told where your office is going to be?

Mr. Gamble: My understanding is that it's going to be in London.

Ms. Scott: Where did you get that direction from?

Mr. Gamble: Ministry staff.

Ms. Scott: You haven't read any legislation or anything that gives you what your powers and responsibilities are going to be as chair.

Mr. Gamble: I've read a profile of what the chair's responsibilities would be. That started with the newspaper ads that were placed early this year. Any other information, such as the bulletins on the Web site, seem to just reinforce that same role again and again. That's where I've read it.

Ms. Scott: So there has been no official legislation or anything that you've read; it's just through the Web site.

Mr. Gamble: I'm not aware of what the legislation—all I know is that I'm here as a nominee and that more information would follow if the nominee is successful.

Ms. Scott: We'd like to see more information also.

Who have you been told that you're going to report to?

Mr. Gamble: From what I've read, the chairs would report to the minister. The chairs effectively report to their boards too, but my understanding is that the chairs would report to the minister.

Ms. Scott: So would the minister have final approval on all the recommendations that came from yourself and the board? Have they told you?

Mr. Gamble: I don't know that level of detail.

Ms. Scott: So you don't really know who you're going to report to, other than the ministry in general.

Mr. Gamble: I know that the intention is that the ministry would sign a memorandum of agreement with each LHIN, which would outline the expectations of the minister and the ministry. Presumably, that's the means of reporting, by that memorandum of agreement.

Ms. Scott: Thank you very much. I believe I'm out of time.

The Vice-Chair: Yes, that's it. Thanks very much, Ms. Scott.

First of all, I'm going to apologize. Someone was supposed to be sitting in for me for the third party questioning, but unfortunately he took ill, so he's not here this

morning. I apologize for that, and hand it over to the government side for any questions.

Mr. Brown: Good morning. I really don't have any questions. I would just like to thank you. I've looked at your qualifications. They look like they will fit the bill. It looks like you've had a lot of expertise at bringing people together, and that is something that will be required in this particular enterprise. Thank you very much for coming.

The Vice-Chair: That's all there is, Mr. Gamble. Thank you very much for coming in this morning. What happens now is that we will continue interviewing for the rest of the morning. Around noon, probably, we'll be wrapping up, and that's when the final vote will take place. You have options: You can stick around for the rest of the morning with us or you're free to leave at any time. But thank you very much for appearing this morning.

Mr. Gamble: Thank you, Madam Chair.

FOSTER LOUCKS

Review of intended appointment, selected by third party: Foster Loucks, intended appointee as chair and president, Central East Health Integration Network.

The Vice-Chair: Our second interview is with Foster D. Loucks, the intended appointee as chair and president for the Central East Health Integration Network. You can come forward, Mr. Loucks.

Thank you for joining us. Welcome. As you make yourself comfortable, I'll take you through the process, which you've just seen, actually. You will be given a few minutes to make an opening presentation if you choose to do so. Subsequent to that, we will go around the table in order, starting with the government side this time, asking various questions of you. Each party will have about 10 minutes. Any time you take for your initial statement will be deducted from the government side. Other than that, I think you've seen the process. I hope you're comfortable, and welcome again. The floor is yours.

Mr. Foster Loucks: Thank you very much. I appreciate the opportunity to meet with this committee. It's a new process for me, and I welcome it. I assume that my CV has already been presented to you. That provides you with some of my background, but I would like to spend a few minutes to highlight some of that and try to give the committee a sense of who I am and why I hope I'm acceptable to the committee as the chair of the Central East LHIN.

First of all, I'd like to start by saying that I was born and raised in Haliburton county. My family roots go back to the early pioneers in that area. Haliburton is the most northern part of the Central East LHIN, and so I'm pleased that there will be someone who in a sense has an understanding of the rural part of the area that Central East will serve.

I'm proud to be able to say that, along with my twin sister, I was born in the original Red Cross Hospital in the village of Haliburton. In those days, I suppose we allowed risk that would be unthinkable today: twin babies born to a 40-year-old woman in a setting without surgical backup and, in those days, at least 90 minutes from the nearest larger hospital, in contrast to the options available today, including ultrasound, amniocentesis and the ability even to control the timing of the birth. My mother suspected, but did not know, that she was expecting twins, and all of this in a setting that numbered, in beds, on less than two hands. I don't recommend this level or standard of care, of course, but I wish to underline by way of this example just how far the delivery of health care services has progressed in Ontario over the years, and that includes Haliburton county.

If I could for a moment, I'd like to keep my comments personal. You see, I was born with an inherited genetic disorder known as hemophilia, sometimes referred to as the bleeder's condition. I have severe hemophilia. I raise this as a matter of interest to the standing committee for three reasons.

First, it has meant that I've had a lifetime as a consumer of health services. I realize that we're all consumers of health services, or most of us will be at one time or another. But since infancy, I've had a relationship with the health care system that's up close and personal. I bring to the LHIN, therefore, the knowledge and experience of the patient viewed not from the bedside but from the bed. This is a learning position that I'd recommend to any health care professional or administrator at least on occasion.

Secondly, my chronic illness has led me to see the need for the various parts of the health system to work together. Remember, I grew up in Haliburton, and Haliburton is not known for its academic health sciences centres. It was crucial, in managing my episodic bouts of bleeding, that one hospital worked with another and that the health professionals knew and accepted their individual roles and expertise and that they were prepared to work within the framework of a team.

Thirdly, it has left me with a profound respect for the Canadian system of universal health care. I am alive today because my life has coincided not only with the remarkable advances in medical research but also with the initiation and development of publicly funded health care. My family was not born with silver spoons in their mouths, so you can appreciate why I'm grateful for having the good fortune to have been born a resident of Ontario and Canada.

Now I have the opportunity to help to ensure that what I believe is the best health care system in the world is sustained and survives. With your approval, I hope to serve as chair of the Central East Health Integration Network.

0930

My career has also been focused on health care. In acute care, I have served as the chief executive officer of hospitals in both Ontario and Nova Scotia, and in each of these cases, it involved pulling divided communities together so we could get more efficiencies and a better quality of care. In each of these cases as well, the range of services in small communities usually led to models of

integrated care in a natural kind of fashion that included supportive housing, social services support, diabetes care and programs focused on prevention, as well as acute services such as surgical and medical programs and emergency care.

Long-term care was also a part of the facilities I managed, so I had the occasion to look after chronic care units, as they were called at the time; today, they would more likely be referred to as complex continuing care. I've had the opportunity, as a senior manager, to lead a chronic care hospital in Scarborough at the Providence Villa and Hospital. As the administrator of the Lakehead Psychiatric Hospital, I was responsible for nearly 80 patients who suffered from psycho-geriatric conditions.

In addition to my experience at Lakehead, early in my career I worked at the Oak Ridge division of the mental health centre in Penetanguishene for about five years. In addition to this institutional experience, I've had the responsibility for the development and oversight of community mental health programs. In northwestern Ontario, I initiated and led a mental health network covering all of Kenora–Rainy River and the Thunder Bay districts.

More recently, I've had the chance to chair the Haliburton, Northumberland and Victoria Community Care Access Centre, which has enabled me to round out my knowledge of the community health sector and its pivotal role in the integration of health care service delivery. I also served as the executive director of the Thunder Bay District Health Council in the mid-1980s. So I've had plenty of exposure to broad planning functions.

I suppose no resumé is complete without reference to volunteer work, which I've done. In my instance, it includes sitting on the board of the Ogden East End Community Health Centre in Thunder Bay, the Thunder Bay Family and Children's Services, sometimes referred to as children's aid. I guess it's not referred to in that way any longer, but it was at the time. I've also been a founding member of the board for the branch of CUSO in Thunder Bay, and I served one term on the Ontario Hospital Association board of directors. I currently am the vice-chair of Sir Sandford Fleming College.

I suppose it's fair to say that I'm aware that my experience will mean little if I'm unable to bring other assets to the board, so I conclude by saying that I believe I have qualities that may be especially important as LHIN chair. I'm thinking of my diplomacy and tact, my patience, my ability to think systemically, my ability to listen and my ability to find middle ground. I have a sense of teamwork. I'm serious-minded, with a dash of humour.

I'd like to thank you again for this opportunity to meet with you today.

The Vice-Chair: Thank you, Mr. Loucks. You've taken up most of the 10 minutes. If there's a comment the government side wants to make, that's fine, but we've pretty much run out of questioning time.

Mr. Lorenzo Berardinetti (Scarborough Southwest): Just very briefly, Madam Chair, if I may.

I want to thank you on behalf of the committee and myself for coming out today and for applying for the position. I notice that you had some connection with the Providence Villa and Hospital in Scarborough. You don't need to comment, but it's an excellent facility located in my riding. I'm glad you were there, and I'll let the people who are there now know that you came out today to continue to work for the community here in Ontario. Thank you.

The Vice-Chair: Now it's time for the official opposition.

Mr. John O'Toole (Durham): Thank you very much. Sorry I missed some of your presentation, but I'll just share the time.

I'm quite familiar with the central-east area, and I just want to make a comment here. Central-east stretches from the towns north of Haliburton and south to the 401 and to Warden Avenue and eastward to Brighton. This is a comment by Bette Hodgins, who's involved in Lakeridge, Port Perry: "Even with the best of intentions to engage local communities, it would seem an impossible task to keep abreast of local needs, never mind responsiveness to them." Could you comment on the central-east dilemma, with its very large, diverse and growing population, with the traditions based in not just the integration of services that the LHINs are attempting to do, given the fact that on a per capita basis, they're probably the lowest-funded in all areas, from mental health to children's services to hospital services on a per capita basis ranging in the hundreds of dollars. How are you going to deal with this large area? Do you have any comments at all?

Mr. Loucks: Certainly I'd agree that it is a very large area; not the largest geographically in the province, of course. The northwest, I'm sure, would take that honour, but in terms of population, it will be the largest LHIN. I think that's going to present a challenge for us, but I think it's going to be a matter of designing and putting in place mechanisms in order to get the input we need. By that I mean pulling together people with common interests, and that could be around certain disease entities; it might be around certain functional roles. In that way, I'm hoping that we can develop systems and mechanisms to garner input from the grassroots and filter that up.

Mr. O'Toole: There's been much work by the district health councils, and there's been much work by governments of all stripes, from multi-service agencies, which was the NDP plan, down to the role to the CCACs. As far as patient intake and case management, do you see an integrated role here for the CCACs to bring community-based services into a much more coordinated—whether it's respite services or palliative care services. All these services and seamlessness in health care are extremely critical and they're very community- and often voluntarily driven. Is this a manageable task, given the population growth and size, or is this just more centralization by another name?

Mr. Loucks: I don't think it would be fair to cast it as centralization, because I think what we have now is a

centralized model with the whole province in a sense being centralized through the ministry. To comment on what I think I hear you saying about the access centres, I think they're going to have an absolutely pivotal role in pulling together some of the functions you're referring to, but particularly trying to pull together the inputs of a lot of the other community service groups. Sometimes those might include self-help groups. I'm hopeful that far from centralizing, we'll actually be able to get more input from some of those groups, which in our current system often get lost in the shuffle because the bigger players get to dominate the show, if you like.

Yes, I suppose we could have had double or triple the number of LHINs, but I think, if I understand the way regionalization has worked in other sectors, including the municipal sector that we were just hearing about from the previous interviewee, it has to be of a certain size. Whether central-east is going to turn out to be too large or not, I think time is going to tell.

Ms. Scott: Thank you very much, Mr. O'Toole, for coming; you have such great interest. I've known Foster for many years and can certainly vouch for his contribution to the medical community and the community in general. He's just been a tremendous citizen and contributor to the health system. So thank you, Foster.

I'm pleased he did mention Haliburton, and it is the farthest geographical spot that we have in the LHIN in the concerns that were brought by Mr. O'Toole. Being a nurse in Lindsay, in kind of the middle of health care, I've been closest to admin in Haliburton hospitals, where I live. I've been involved with the health care system for a long time in my riding. When I saw the central-east LHIN being created, I saw Scarborough hospitals in our mix. That's not a place where we usually send patients. We usually send them to Toronto or to Kingston.

I guess my question for you, Foster, is, how do you see the boundaries of the LHINs? Can we cross boundaries easily when we need to send our patients out to care centres that are not within the proposed LHINs?

0940

Mr. Loucks: Thank you very much, Laurie, for your welcome. I do appreciate the opportunity to meet with you in this setting, as I have in other settings in the past.

It's my understanding that there's not going to be any restriction on where patients can seek care. As a case today, just because there's a boundary line along County Road 30, or wherever it is, between Durham and York, that doesn't mean that a patient has to seek care there. In terms of how that funding will then work, we'll have to work out those mechanisms later on. Whether a patient needs to get specialized care in Toronto or has a GP in some other area, it's not going to make any difference.

Ms. Scott: I'm pleased to hear that, and I hope that is certainly the case when it comes to delivery of care for the patients.

Because I have Foster here, I'll do a few riding-specific questions. We have a cardiac rehab facility. We had a pilot project in Lindsay, and it was a good central area for our catchment to go to. Now the Lakeridge Health Corp. in Oshawa is going to be the only deliverer of cardiac rehab care. Do you think there are going to be possibilities for a cardiac rehab centre, for example, or other rehab centres or cancer care satellite spots to be done, instead of going to where they're designated as the centre? The distances for our patients to travel at the further part of the LHINs—do you think there would be some flexibility in that? I brought it to your attention; I didn't know if you knew it existed. Maybe within the board there's going to be some flexibility. Hopefully, with the ministry, we can get those satellite services or something closer to home.

Mr. Loucks: I don't know that I can comment on the specifics of any particular region, because I'm not close enough or familiar enough with it. I think the flexibility that's going to be needed is going to be driven by our stakeholders. What I'm hoping is that we can develop mechanisms for that input, and that it's done on a collaborative basis.

There's always going to be a need to balance. You need to have enough patients in any particular area to justify and to keep the expertise of professionals and specialists up to a certain standard. You can appreciate that we're not going to be doing heart transplants in the Haliburton hospital in the near future. There are economies of scale that also have to be balanced against the issues of access and geographic proximity. I would think that our board will be taking those kinds of considerations into account, both the geographic proximity and how many patients it takes to keep the skills of a particular specialty in surgery up to a certain standard. Of course, the cost is a major factor in that as well.

Ms. Scott: We'll be looking for those processes to happen. Being the chair, I was wondering if you had been given any reference from the ministry as to the organizational structure of the LHINs, the human resources policies? Do you have the ability to hire and fire staff within the LHIN itself, set staff salary ranges or approve individual staff salaries? Those are many questions, but have you been given any direction as to what your authority is going to be as the chair?

Mr. Loucks: I just have a broad direction in terms of what the role of the chair will be, and that material is on the Web site. I am not expecting that, as a board, we will be directly involved in the hiring of staff, apart from the CEO, which is the traditional role of the board. They hire the CEO; the CEO hires the others.

From what I've read, I think the ministry is trying to make every effort to standardize the size of the LHINs, the number of staff, and there's an expectation, as part of this community consultation and getting the input we need from stakeholders, that we will try to use some of the resources that are already in the field.

Ms. Scott: Have you received direction as to whom you will be reporting to?

Mr. Loucks: It's my understanding that the reporting relationship, if you like, is one to the minister, by virtue of the appointment being through an order in council.

That's my expectation, that it's a relationship to the minister of the day.

The Chair (Mr. Tim Hudak): Thank you very much—

Ms. Scott: I'm out of time. I was just going to thank Foster for coming.

The Chair: Excellent. To the third party.

Ms. Andrea Horwath (Hamilton East): Thank you, Mr. Chairman. We're playing musical chairs here this morning, but it gives me an opportunity to ask a few questions.

I wanted to ask you about some comments that the Minister of Health recently made regarding the rationalization of surgeries in hospitals. You just talked about open-heart surgery not being something that would likely happen in Haliburton hospital. The minister said it would likely be the LHIN's responsibility to take on this rationalization process. I'm just wondering, if that was assigned to you as a job to do, how would you tackle it? How would you go about trying to rationalize surgeries?

Mr. Loucks: I don't know about the surgeries. But whether it's surgeries or the medical management of other diseases, I think we have to start out trying to free up some hospital capacity so that hospitals are not trying to be all things to all people. In saying that, I don't really want to fault hospitals, because I think we have expected that of hospitals over the years. Hospitals have had to be the safety valve for gaps and shortcomings in the health system. The emergency room always had to be open and so on and so forth. In fact, increasingly, primary care has taken place in the emergency room.

To me, it's a matter of being able to free up some of the capacity that hospitals have by developing primary care systems. If we can do that on the front end, where patients are coming into hospital, and if we can do it on the other end when we're trying to get patients out of hospital, the hospitals will have a better ability, through greater resources, to conduct increased surgeries and other forms of care.

I'm not sure that's actually answering your question, but I think it's got a lot to do with setting the stage so that surgeries, if not rationalized, perhaps can be done in more instances closer to home.

Ms. Horwath: Can you describe what you would see as the major health care issues for the region? I think both Mr. O'Toole, when he was here, and Ms. Scott indicated the size of this particular LHIN as being a concern. What would you say are the major health care issues or concerns for the area?

Mr. Loucks: My sense of it is that one of the major issues is the distribution of health professionals, and not least of all physicians. I don't think that's as big a problem in Scarborough or in parts of the GTA that are part of the Central East LHIN, but it is a problem outside of the Toronto area. So I think being able to get physicians not only into the most northern part but also into good-sized centres like Peterborough and Lindsay is one of the big problems that we face.

0950

Ms. Horwath: Any ideas about how to try to resolve that particular challenge?

Mr. Loucks: Well, I've been serving as the chair of a recruitment committee, and I guess if I had been really successful, I could point to our successful ideas. I think these days it's a matter of being able to create the conditions for practice that are attractive to younger doctors. Younger doctors—newer graduates is perhaps the way I should refer to them—don't want to have to work night and day, seven days a week. They expect to be able to join a team, they expect reasonable time off like other people and they expect to be able to have a normal life. They're looking for practice settings where there is a team of professionals, including other doctors, so that things like being on call are more reasonable.

What I think will work best is something along the lines of the family health teams. We haven't seen what the outcome of the family health team concept is going to be, but I think it's that model that will, in the end, in the longer term, solve some of the problems we face now.

Ms. Horwath: We've already been through the fact that there are going to be three members initially: the chair and two others. What kind of process do you think is best to be able to build the rest of the board of the LHIN?

Mr. Loucks: It's my understanding that the minister and his staff are going to provide the input for perhaps the next three of the board and then, after that, they will work with us to see who else should be added to the board, up to a maximum of nine. What I would like to see in the long run is that, broadly speaking, we have representation from the different parts of the area, without that representation being directly tied to any particular interest group or any particular municipality.

Because our board is going to be relatively small and the geographic area that we're serving is relatively large, I would like to think that we would have a dispersion of our members from around our area, from around the Central East LHIN, not least of all so that those board members can take a lead in their area when it comes to community consultation and engaging the stakeholders in that area. As one member and as the chair, I'm not going to be able to get to all of the meetings that I should be attending, so as a board we're going to have to work together to see that we're present at meetings and community engagement events that we should be attending.

Ms. Horwath: Do you have any other languages? Are you unilingual or do you speak French?

Mr. Loucks: At this point I'd have to say that I'm unilingual. At one point I had thought I might be able to learn and keep up my French, but I can't now.

Ms. Horwath: It's just that the advertisements and the applications, I think, talk about the preference for bilingual candidates, but that's fine.

We didn't ask any questions around your political beliefs or where you lean. Are you a member of any political party?

Mr. Loucks: I'm not a member of any political party and I have voted the spectrum and vote the candidate.

Ms. Horwath: Do you have a history of donating to any particular political party?

Mr. Loucks: I don't. I realize that it's a tax advantage, but I haven't done so.

Ms. Horwath: Thanks very much.

The Chair: Mr. Loucks, thank you very much for your appearance before the committee. As you probably know, we move to our votes at the end of the session, so probably between 11:30 and noon, I would think, would be the time. So please stay and enjoy the show.

Laughter.

The Chair: I don't know why people laugh at that. It's entertaining.

The Chair wishes to recognize Mr. Brown. It's nice to have a senior member joining us in the captain's seat on the government caucus. Mr. Brown, welcome.

I also want to thank my Vice-Chair, Ms. Horwath, for filling in very capably today. In fact, she has attracted a much larger audience than we usually get with the usual Chair. Andrea, thank you very much for pitching in. It's much appreciated.

MICHEL LALONDE

Review of intended appointment, selected by third party: Michel (Paul) Lalonde, intended appointee as chair and president, Health Integration Network of Champlain.

The Chair: We'll move now to the next intended appointee, Michel (Paul) Lalonde. Monsieur Lalonde, bonjour. Bienvenue. Welcome to our standing committee. Do you prefer Paul for the record, or Michel?

Mr. Michel Lalonde: Michel.

The Chair: Super. Monsieur Lalonde is the intended appointee as chair and president of the local health integration network of Champlain. Monsieur Lalonde, make yourself comfortable. I think you saw the procedure that we follow here. You're welcome to make an opening statement about your interests and your qualifications, and then each party will share time with any questions they have for you, beginning with the official opposition. Monsieur Lalonde, the floor is yours.

Mr. Michel Lalonde: Thank you, Mr. Chair, for allowing me to be here today. I have prepared an opening statement. It will last only three or four minutes. I will guide you through this.

First, Mr. Chairman, I'd like to say that I'm honoured and privileged to be nominated to serve as the founding board chair of the Champlain health integration network. For those of you who don't know what territory Champlain covers, it's the Ottawa Valley from Pembroke in the north to Hawkesbury in the south, from Cornwall in the east to Arnprior in the west. It serves a population of roughly 1.1 million people. I appreciate the government's trust and look forward to the challenges ahead in serving the citizens of our region.

My experience in serving the Ontario health care system spans a period of more than 30 years, always in senior executive roles, starting with the position of associate executive director at l'Hôpital Montfort, one which is well-known by all; an additional five years as vice-president of the Ottawa Health Science Centre; and finally, 17 years as chief executive officer of the Hawkesbury and District General Hospital. I don't want to repeat the major achievements that are stated in my curriculum vitae, but I would like to highlight some experiences and traits that I will bring to the Champlain LHIN that are directly related to the necessary qualities that will lead the board and its partners in achieving success.

In my years as chief executive officer, I made it a point to constantly remain abreast of leadership and management developments by continuously learning and adapting the skills of management to the requirements of the changing times. As an example, after learning the skills of teamwork, and with the support of the senior management team, we transformed the traditional organizational structure to a team approach, by which the decision process for the delivery of care and services was transferred to the front line, to the clinical teams composed of physicians, nurses, technicians and support staff. It required a great amount of trust and commitment from everyone in the organization. We truly became a patient-centred organization through this effort.

The continuing learning process gave our organization a leading edge in making our hospital a learning organization. This creative and unique initiative in health care led us to obtain a five-year pilot project, sponsored by the government, for the hospital-in-the-home program. Ten years after the establishment of this program, it's still in operation. It was highly regarded by staff, patients and families in our community. This experience became a means for every team leader and team to use resources efficiently. It was a win-win situation for the community and for the hospital.

This type of leadership practice by senior management and clinical teams opened new frontiers and new opportunities to do more with less and make every team in our organization part of our accomplishment and successes. In 17 years at the Hawkesbury and District General Hospital, we always managed to balance the budget, year after year, and in fact used the surpluses to attract physicians and buy new equipment.

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As a final note, I would like to take you back to the late 1990s and the Ontario Health Services Restructuring Commission, at which time our institution, as a result of the restructuring plan, proposed to integrate the management and support services of two community hospitals—Hawkesbury and Winchester—with the partnership of the academic health sciences centre to provide secondary and tertiary care in a cohesive manner to our communities and form an association similar to what is proposed by this government in terms of an integrated system.

Integration is not a new concept. As you are well aware, Ontario is the last province to move in this direction.

Changing times, the complexity to deal with numerous health care structures and silos, the need for a coherent and coordinated management and clinical information system, and the importance of involving the citizens of our community in the planning process and providing them with a report card on how well we serve them are only a few of the challenges that await us at local health integration networks in Ontario.

Governance as leadership has taken the centre stage of our systems and organizations in the private and public sectors. There must be a shared sense of the nature of the work and enough common knowledge to do the work together, and good governance will drive leadership and accountability. We need to work wiser and smarter.

I believe that the success or our Champlain LHIN lies in the creation of a renewed relationship with all our partners. The local board and management of each health care institution and agency in Champlain region, physicians, professionals and, most of all, the citizens of our communities need to be a part of the creation of a vision of health for our region.

I believe that through devolution to local LHINs we have a tremendous opportunity to become masters of our destiny in our health care system and make the difficult but appropriate and necessary decisions on a local level. Based on a set of standards and measures, the providers will be able to manage the system effectively and efficiently and facilitate the development of a continuum of care for all patients in our community.

I believe that the health care providers, agencies and institutions in Champlain are ready and willing to take the necessary steps to achieve integration, which will result in improving access to our citizens, a higher quality of care and services and, most of all, the sustainability of our system for the next generation.

I believe in the supremacy of values guiding organizations, such as trust, respect, empathy, openness and accountability. Those values will support our vision and mission.

I believe that the process of establishing the LHINs will be evolutionary. The Champlain LHIN's philosophy must be inspirational in nature, and continuous learning for everyone must be an integral part of its role.

The Champlain local integration network will position itself to be a leader in the process, and as chair, my wish is to make a genuine contribution to the health care system and make a difference in serving my community.

The Chair: Thank you, Monsieur Lalonde. Obviously you put a lot of thought into your presentation. We appreciate it. We'll begin any questions we have with the official opposition.

Ms. Scott: Thank you, Mr. Lalonde, for appearing here before us today and giving us your background.

When you first applied, you applied as a director, I believe, at the LHIN.

Mr. Lalonde: Correct.

Ms. Scott: How did this evolve that you're now a potential appointee as chair? Can you tell us a little bit about that?

Mr. Lalonde: First of all, my interest in applying to the LHIN was in a role specifically tailored to someone who is retired, with lots of years of experience and a passion for health care. The fact that it required a bilingual individual knowledgeable in health systems proved to be an asset to me. I guess it was seen in Toronto as that possibility.

I was approached by the minister to see if I had any interest in letting my name stand for the position of chair. It didn't take long for me to accept the challenge, especially with the honour and privilege. I didn't necessarily see myself as the chair, but I am certainly willing to try out the task.

Ms. Scott: So Minister Smitherman approached you to be chair specifically.

Mr. Lalonde: Correct. Yes.

Ms. Scott: Have you seen any legislation in regard to the LHINs?

Mr. Lalonde: No, none.

Ms. Scott: Have you seen the latest bulletin that came out on May 16? I know it's just—

Mr. Lalonde: No, the last bulletin I have is bulletin 11, May 1, in which it describes the role of the board and the CEOs.

Ms. Scott: Were you able to do a lot of investigative work about the role of the chairs? There's limited information out there; I realize that. But I didn't know if you were able to access more information or have been speaking to the minister—

Mr. Lalonde: Other than what appeared in the paper as the role of the chair and directors, along with the white paper published by the OHA and other write-ups—I understand extremely well that the process, first and foremost, is to have us go through this process of order in council to get our position appointed, nominated, before we do anything. I realize extremely well that it's an evolutionary process and that we first need to go through this particular process here of appointment before moving on to find out the details. But I imagine that as a board chair, the board and the relationship to CEOs and to the minister will evolve as time goes by.

I read an article in the Ottawa Citizen not too long ago that said it's like buying a new car without a manual. Well, I hope the manual's not written, because the system is changing so fast, and we need to adapt it to the times and need to involve, more than just the government, the people of our communities in making sure that this system is going to work.

Ms. Scott: I am concerned because the district health councils are now dissolved and there is a gap in the system right now for the delivery of health care. Who is guiding the delivery of health care in all the areas we have? Foster Loucks mentioned that the access centres are going to play a key role. I've been certainly communicating with mine about their comfort level of what we know of as transpiring so far. Do you have any comment, once you get your letters of patent, about what your first priorities are going to be and when you're going to get up and—

Mr. Lalonde: Personally, my sense is that it's going to be so much, as I said in my presentation, the human side of organization that needs to be dealt with. I know there's a lot of fear out there and there's a lot of unknown, and that's common with change. But one will certainly be to create a new culture, a new relationship with the partners, because we will be using what's in place now. The structure is not going to be destroyed and rebuilt. But in terms of what's in place right now for the planning of services, whether it's French services or bilingual services or any health care services, it needs to be addressed by everyone, not just by the LHIN. LHIN is basically an organization that will plan, coordinate, integrate and standardize things. Eventually, maybe in two or three years, according to the writings so far—it may take two or three years before we get any responsibility relative to funding.

The knowledge is out there. The DHCs are no longer in existence, but the knowledge is there. The corporate knowledge is still continuing on. I have had the pleasure to meet with the outgoing executive director of the DHC, and I know where to get at the information. It's also, I imagine, at the ministry level.

Ms. Scott: So you feel that you're also going to be reporting directly to the Minister of Health and Long-Term Care? Maybe you could also comment—I've asked the question before—on what you see, as a chair, your actual authority is. Is it going to be hiring the staff, the organization structure? Have you been given any education, if Minister Smitherman has spoken to you directly?

Mr. Lalonde: Not really on that. I'm waiting to see any change in the legislation for this to happen. But I imagine by delegation some of the duties can be put into effect relatively quickly, to at least set up shop, as we say in our community, to make sure we build up the process of getting everyone on board and hiring the executive director and so on. But still, the primary concern right now is to get the three positions approved through an order in council. After that, we'll become very curious if we're successful.

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Ms. Scott: Were you given any indication of how much the position pays?

Mr. Lalonde: I have declared to the minister that I will refuse any payment for this position. I owe too much to the system, having been a cancer patient twice in my life, over a period of 20 years. I have too much honour to the existing board of health care organizations. To keep credibility, I cannot accept any remuneration for any position, even though for the first six months to a year it may be a full-time position. I have reached a level in my life, at 62 years old, where I can afford to do so. I intend to do so in the normal fashion that has been accepted by the Ontario health care system for decades.

Ms. Scott: That's a very generous statement that you've made.

Mr. Lalonde: No, it's a principle.

The Chair: You're still OK. You have about two more minutes.

Ms. Scott: Where do you see the location of your office as being? You have a large LHIN; I take the claim for the largest LHIN that's going to be created. It's central east.

Mr. Lalonde: I'm dying to learn.

Ms. Scott: So you don't have any knowledge of where your potential office will be.

Mr. Lalonde: I have no idea.

Ms. Scott: Where do you think the needs of your community are? We've certainly heard a lot about doctor shortages. Do you have any indication of where you think that—

Mr. Lalonde: Well, it's a national problem. I think, as Michael Decter of the national council on health has stated, that one of the four problems is certainly manpower; not just physicians, but all professionals in health care. I think we'll need to address this, along with the necessity, if we wish to achieve integration, to make sure that we have an information system that will allow us to measure so that we can make appropriate decisions based on logic, not just on perception.

Ms. Scott: That's all. Thank you very much.

The Chair: The third party.

Ms. Horwath: Welcome. One of the first questions I have for you is around services in French. Are there any challenges there? Do you think there's enough opportunity for people to receive health care services in French? What's your assessment of that?

Mr. Lalonde: Well, with the establishment of Bill 8 on language issues in Ontario, we've been fortunate enough to have a network, Réseau des services de santé en français, located in Ottawa. It was mandated by the previous government to ensure the designation of each health care organization in the province, but specifically in our area, in Champlain. They have done so quite successfully. In fact, I was on the initial board of the Réseau des services de santé en français and saw the progress reports and the role that they played along the line.

Of course, there's always going to have to be particular attention paid, not because French service is a problem; French service is an opportunity—really, they are part of the solution, not part of the problem. I've contacted key individuals at the Réseau and also at the Montfort Hospital to make sure that we're on the same wavelength. I know right now that the health resource team established by the ministry is specifically looking at that and will come out with a policy direction in relation to how this will occur facing the LHINs.

Ms. Horwath: I wanted to ask you a question about rationalization of surgeries or procedures. If I were to use an example, for instance, of hip and knee replacement surgeries, the minister said that maybe we should be rationalizing these, to have fewer hospitals undertaking those kinds of procedures so that those hospitals would then have larger volumes and economies of scale. Therefore, the expertise of the doctors would be there, and they'd be handling those large volumes. Any opinion on that particular idea?

Mr. Lalonde: It has begun to happen in our region in the sense that because of the five priorities set by the government in resolving issues, such as hip and knee replacement, cancer, heart, MRI and CAT scans, and cataracts, they've given a memorandum of understanding with certain organizations that if they can afford to do so many more, they will pay them according to an arrangement that they have come to with each organization.

Integration is occurring on that basis and it needs to occur on a wider basis, but to be able to analyze all sectors of health care, we need to have an improved information system. That's key to making sure that integration will occur. That kind of thing will happen not just in hip and knee, cancer clients or whatnot, but throughout the sector. It needs to happen.

Ms. Horwath: I'd like you to talk a little bit about your vision for your LHIN. There are going to be a few people at the beginning and then the organization will build from there. Any vision for that? Can you share any kind of vision on how you'd like to see your LHIN develop, both in terms of strengths for different people you'd like to see as part of the board and then also organizationally?

Mr. Lalonde: As previously expressed by my colleagues, it's pretty well along the same lines, a wait-and-see kind of situation where we'll see what the ministry expects to do. I think the most important element that we know from bulletin number 11 is that their right of approving the appointment of the CEO is going to be one of the first jobs of the chair. I think this is a crucial element, because I can't see why our board chair would not participate in making sure that at least the vision and the capacity to work together with the executive director has got to be a perfect relationship; otherwise it won't work. I think that is a possibility.

In terms of other members of the board, I hope that the ministry will look to us also for some direction or some recommendations or suggestions as to what kinds of members we want to see on the board. Certainly, one that I appeal for is to have board members who are willing to work in teams and not individually. It's a skills-based board that I hope will be happening, and I guess that's the direction that the ministry wants to take.

Ms. Horwath: OK. In terms of the executive director and other staff, would you then as the chair see yourself being the person to do hiring and firing, that that would be your—

Mr. Lalonde: The executive director, yes.

Ms. Horwath: And then other members of the organization would—

Mr. Lalonde: No. The only role that the board needs to relate to is the executive director.

Ms. Horwath: You've talked a lot about your belief in integration, your strong belief that that's the direction we need to go. You've indicated that you feel that's already beginning to happen in many ways in your region. How do you see your role as speeding that along or ensuring that that happens? What kinds of strategies will you be able to use, or do you envision using, to move that process along?

Mr. Lalonde: Certainly, a lot has to do with the kind of relationship we need to have with our partners, whether it's hospitals, CCACs or other kinds of agencies. It is crucial that we make them feel comfortable with the concept. The concept of integration is not new; it's here to stay. It's not just a buzzword that's going to go away. To me, it's a survival kind of mode where, if we don't integrate, that is, for the ultimate purpose of delivering good care, of having sustainability, of having access for our patients to a system, and use our resources in the most optimal way, we won't get it. It's only through that concept of integration that we can achieve this.

Literature from Shortell to many others has demonstrated this quite clearly. Each province has its own model. The Ontario model is very good because it involves people. It didn't collapse all the boards; it respects the entities. I think we just have more people committed to the same goal, and this is crucial. If there's anything that we need to work on as a board, number one is a common vision. To have a common vision, you have to involve everybody, from the community to the partners, and hopefully eliminate the silos and the personal agendas and the self-interest in the system. That's what needs to happen. We need to focus on the community, which is our ultimate to stewardship goal.

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Ms. Horwath: How do you get over that, though? How do you see the way to get people to put their self-interest aside? It's got to take some particular skill.

Mr. Lalonde: If I look at what happens in other jurisdictions, I can see what led to a change in culture. You change culture by responding to the question, "What's in it for me?" Sometimes, it's through plans that will recognize contributions or through incentives of all sorts—not just monetary incentive, but all sorts of incentives that make people feel proud about what they do and how they do it, some kind of recognition. There's a lot of human element in making change happen. In all the documentation and all the readings I did on integration, the first step is through the hearts of people, making them know that whether you're in Hawkesbury or Pembroke, we're still serving the 1.1 million population. It has a human appeal to be able to serve and to recognize our true role as servant of the community. That's what stewardship is all about.

The Chair: To the government side.

Mr. Brown: Thank you, Mr. Lalonde. We on this side have listened very carefully to your presentation and to your interaction with my two colleagues. We're very impressed. I want to thank you.

I agree that this is an evolutionary and devolutionary process and that it won't be easy. There are interests out there that need to be contended with, but we have every confidence that you will lead this particular LHIN in a fashion that is extraordinary. Thank you very much for putting your name forward.

The Chair: Mr. Lalonde, thank you very much for the presentation. Please stick around. We'll get to our concurrence votes between 11:30 and noon.

GEORGINA THOMPSON

Review of intended appointment, selected by official opposition and third party: Georgina Thompson, intended appointee as Chair and president, South East Health Integration Network.

The Chair: Our next intended appointee is Georgina Thompson. Ms. Thompson is an intended appointee as Chair and president of the South East Health Integration Network. Welcome to our committee. I think you've seen how we work. Just make yourself comfortable. You're welcome to make a presentation about your interest in the position and your background. I'll begin any questions with the third party and do a rotation. The floor is yours.

Ms. Georgina Thompson: Thank you very much, and good morning. Mr. Chair and committee members, I am pleased to appear before you this morning as a nominee to the Chair position of the LHIN for southeastern Ontario. As you may or may not have had a chance to review my CV, I thought it would be helpful to give a brief overview of my work and volunteer history to this point.

Since 1970, I have been in the health care system as a hospital nurse and as a hospital supervisor. From 1970 to 1975, I worked as a registered practical nurse in a psychiatric hospital in Nova Scotia. In 1978, I was a graduate of the diploma nursing program at Loyalist College. From 1978 to 1981, I was a registered nurse at Belleville General Hospital, which is now known as Quinte Health Care.

From 1981 until just recently, I was president and director of care at All-Care Health Services, a private nursing and home support community agency. From 1981 to 1989, I was the founder and executive director of the Regional Hospice of Quinte, which was the first five-bed freestanding hospice in Canada. From 1990 to 1996, I served as governor, and in the last year as vice-chair, of the board of Loyalist College, and was re-elected in 2003. In 2002, I achieved my bachelor of nursing science from Laurentian University.

From 1992 to 1996, I was a board member for the Ontario Palliative Care Association. In 1994, I was chairwoman of the United Way fundraising campaign. From 1989 to 1995, I was a municipal councillor in Thurlow, where I presently live. From 2001 until recently, I was a member of the local health care network for Quinte and the rural health science network of southeastern Ontario. From 2003 to 2005, I was an elected councillor in the city of Belleville. In 2002, I was businesswoman of the year for Hastings and Prince Edward county, and in 2003, I won the Harry Jerome award.

Finally, it is my belief that my work and volunteer background has allowed me to gain a grassroots perspective of the health care needs in the region I propose to serve. I believe it was these qualifications that achieved the title of nominee for a LHIN position. It is my hope that as a committee, you will see the positive attributes I can bring to the board.

Thank you. I welcome your questions.

The Chair: Ms. Thompson, thank you very much for the presentation on your background and interest. We'll begin any questions with the third party.

Ms. Horwath: I've asked the other interviewees, and I would like to ask you as well, the process by which you would undertake rationalization of services in hospitals, particularly surgeries. The last one I used as an example was hip and knee replacement surgery. What would you see as the way to achieve the rationalization?

Ms. Thompson: I'll go along with my colleague who was just up here before me. In our area, the Quinte area, we have started to do some of those things already. With the Quinte Health Care corporation, for instance, they have integrated three hospitals, and they have separated eye surgeries into one and surgeries into the other.

I think that it's a process that has to be worked out with the partners in the hospital to achieve a positive outcome, and I believe that it can happen, depending on the populations of the area. It's a difficult position, to get doctors to go far up north for hip and knee surgeries. If we can combine them in a large area, then we're sure to have the doctors there to perform the surgeries. I think working with our community partners and looking at where the larger needs are and where the larger scope of people go for the surgery is where we should be concentrating our efforts.

Ms. Horwath: So you support that whole direction?

Ms. Thompson: I support it.

Ms. Horwath: Can I ask how you currently see yourself as being connected to the region that you'll be heading the LHIN for? How would you describe your connection to that region?

Ms. Thompson: I view my background since I've been there, since 1975, and my work history—I've worked, as I said, with the rural health science network, and I've worked with the health care network of Quinte—has allowed me to get to know some of the players from the Brockville-Kingston area. I believe I've formed some good friendships with them. Through that, and through my business, I have gained insight into what the needs of the areas are. The needs from my area to Kingston to Brockville aren't really that different. They're the same health care needs as those across the province: looking at the gaps in services and what the needs of the consumers are.

Ms. Horwath: So what would you describe as the major health care issues for the region?

Ms. Thompson: The major health care issue for the region is integrating and bringing all the services together, getting rid of the silos, having partners work together, looking at the larger scope, not just at what the needs of one area are; what are the needs of the whole region that we are here to represent, and how can we make it so that clients can flow seamlessly through the system, from one area of the region to another or straight across Ontario?

Ms. Horwath: I take it, having looked at your resumé and your experience, that you're in the private sector in terms of health care delivery?

Ms. Thompson: Yes.

Ms. Horwath: Do you have any opinion on the debate around private versus public provision of health care?

Ms. Thompson: That has always been a debate since I started the business back in 1991. I believe, as long as the system is overseen by the government, that there is a place for both parties. I also believe that competition is good for the soul. It keeps us all on our toes and makes us all realize the things that we can do. We can do it together; it doesn't have to be private versus public. We're a team out here. We're all serving the same needs; we're all serving the same clients. I'm hoping that over the next few years, we will look at each other as a team.

In the region where I work, I sit on a lot of committees with not-for-profit organizations at our community-based agencies. We work together in the best interests of the clients, and I think that's what's most important.

1030

Ms. Horwath: In terms of cost-saving types of initiatives in the health care system, do you support competitive bidding processes, first of all, and then second of all, controversial moves such as contracting out of services that some organizations are facing right now?

Ms. Thompson: Let me say that there's always been a competitive move out there ever since I started. When I started in 1981, it was a competitive process then, so to me it hasn't changed. A competitive process is good. It helps to keep costs down and it also helps to provide efficiencies. I don't believe that because there's a competitive process, you don't get good service from one or the other. I think all agencies, regardless of what background they come from, strive to do their best out there. It has been there; it's not a new thing. It came to be called the community care access centre, but when it was the home care centre, we still had contracts at that time that we had to bid on. So I don't see it as a new process.

Ms. Horwath: Do you speak any other language?

Ms. Thompson: No.

Ms. Horwath: As you move forward with the LHIN, what kinds of strategies do you think you're going to need to develop to build a strong and effective LHIN?

Ms. Thompson: Building on partnerships that are already there, consulting with consumers and our partners in the community and looking at where we are here and now: Do you destroy it all? Will you take it, massage it and fit it into the role of where we're attempting to go? I see that as very vital and very important to making this thing move forward. I know everybody isn't doing the wrong thing out there; we just need to do it together.

The Chair: You still have about four minutes, Ms. Horwath.

Ms. Horwath: That's great. As the president and chair of your LHIN, what would you see as being the vision that you wanted to achieve for the LHIN? I hear you talking about partnerships, so I can see where you're going in terms of the piece that involves a direct relationship with the community. What about the building of your actual board? How do you see that?

Ms. Thompson: I think the board should be built from across the region. I think that you should have a number of members from each section that are in the region to represent their consumers and their partners in their area. I would hope that that would be the way we'd go, that they all wouldn't come from, say, Quinte's spot or Kingston's spot, but would be from across Brockville and over.

Ms. Horwath: Can I ask you about your political affiliations?

Ms. Thompson: Yes.

Ms. Horwath: Are you affiliated with any political party?

Ms. Thompson: Yes, I am.

Ms. Horwath: Can I ask which one?

Ms. Thompson: I've been a Liberal since I was born. I've worked for the party; I've attended functions and fundraisers for them. I actually ran probably about 11 years ago, when Hugh O'Neil stepped down, for the candidacy for my riding and lost by 28 votes. But I've also attended other party functions as well and have been invited to other party functions, which I've attended.

Ms. Horwath: So you're a card-carrying member and you regularly donate to the Liberal Party?

Ms. Thompson: Yes, I do.

Ms. Horwath: That's provincially and federally?

Ms. Thompson: Yes, I do.

Ms. Horwath: Have you ever actually held political office?

Ms. Thompson: I was a councillor from 1989 to I think 1996, and then, until recently, I was a councillor in Belleville, which I resigned when I was approached about the nomination for this position.

Ms. Horwath: Thank you. Those are all my questions.

The Chair: The government side.

Mr. Brown: Thank you, Ms. Thompson, for appearing before us today. I first want to thank you for putting your name forward. This is going to be a challenging but rewarding experience, because it appears to me that it will be, as I said to a previous applicant, both an evolutionary and devolutionary process, and one that does require partnerships with a large number of players and the province to provide this service. I'm very impressed with your qualifications, and I want to thank you sincerely for appearing before us today.

Ms. Thompson: Thank you very much.

The Chair: The official opposition.

Ms. Scott: Thank you very much for appearing before us. It's great to see nurses going forth. I'm a nurse also, and I actually trained at Loyalist College, Belleville hospital and all the hospitals that will be in your LHIN, being Napanee and—what are the other hospitals?

Ms. Thompson: They would be Napanee, Kingston, Hotel Dieu, Brockville—the larger major hospitals up there—Bancroft and Picton. Those are part of the Quinte Health Care corporation.

Ms. Scott: Yes, and you've got the combination of rural and then the larger Kingston centre.

Ms. Thompson: Yes, very much so.

Ms. Scott: I know because I keep a little bit more in touch with the area in Belleville and the challenges that are faced by the Quinte hospital, and they are several. Do they see the LHIN helping to solve a lot of the problems that exist at the present time at the Quinte hospital?

Ms. Thompson: My sincere hope is yes. My sincere hope is that working with an outside group, we can help bring some of that cohesiveness back. When I worked at Trenton Memorial Hospital in the emergency department, and I also worked at Belleville, they were great, happy places to be. I'm not necessarily saying that they're not, but there is a lot of turmoil under there. Hopefully we as a LHINs board, working together with them and their partners, can help them iron out some of the kinks that are still going on.

Ms. Scott: You spoke with Ms. Horwath about some consolidation of services. Do you see some more services that may leave the Quinte hospital and, say, go to Kingston?

Ms. Thompson: I don't know if I'm in a position to answer that at this point in time. I think that would have to depend on what the service was, because of the area, because we have a large rural population, and that is the major hospital for that region. You'd really have to look at what services we're talking about going to Kingston and how vital they are to our area. So I think you would have to look at it in that sense.

Ms. Scott: Do you see the LHIN as having a lot of authority over the hospitals, over the hospital boards, over their functions and service? We've talked a lot about where we're a little confused, of what authority the LHIN chairs are actually going to have. I've never asked, I don't think, all the other intended appointees, what authority do you feel you're going to have over the hospitals' administrations?

Ms. Thompson: I don't believe we're going to have authority over them. Our role is to work with them to help them bring to us, and in conjunction with us, service plans that they see as a fit for them. But I don't see us as being authorities over them.

Ms. Scott: You will be reporting to the Ministry of Health and Long-Term Care? That is what your indication has been there.

Ms. Thompson: Yes.

Ms. Scott: So you will make recommendations, and the minister will have the final say. Is that what your—

Ms. Thompson: We would follow their own strategic directions and then bring back recommendations to them from our local areas.

Ms. Scott: OK. We've asked before, do you feel you will be in charge of hiring the remainder of the LHIN members?

Ms. Thompson: As mentioned, I think it's important that the CEO is involved with that process. The rest of the staff will be under the CEO, so I believe it's their responsibility to hire them, because they're the ones who are going to be working with them on a day-to-day basis.

You didn't ask this question, but as you mentioned before about firing the CEO, I don't think that's my position. I think that's a board position.

Ms. Scott: You have on here that you have a nurse practitioner—

Ms. Thompson: I'm in the process—

Ms. Scott: You're in the applying process, which is great. I'm certainly in favour of bringing more nurse practitioners into primary care, especially in the rural areas where our needs for doctors are greater. How do you see them playing more of a role in your LHIN, or if you want, just in your community, to use the community you're most familiar with as an example?

Ms. Thompson: I would think in the whole area. Maybe I'm biased because I'm trying to complete the process, but I think that nurse practitioners, because of the lack of physicians, are very important in the whole province of Ontario. Because we do not have enough primary care members, nurse practitioners can take up the duties and roles that the doctors are performing now—that we do a lot of, as it is—and allow them to free up their time for their more acute clients out there, because there are a number of acute clients who don't have physicians right now. But if we could help fill in those spots, then that would ease the system, because we're not going to turn out doctors that fast in the next few years. So I think they're vitally important.

Ms. Scott: Some of the family health teams were just announced, and nurse practitioners have a role there. I don't know if there were many in your area; I'm sorry, I don't know that.

Ms. Thompson: We have one in Picton and then one in the LHIN next door to us. So they're really fairly close.

Ms. Scott: Do you think we could make some more changes to allow nurse practitioners, if they weren't in the family health teams, to work more independently on their own? I'm just looking into maybe legislation that would help them to be more independent bodies and able to set up practice more easily, and maybe the possibility of directly billing OHIP.

Ms. Thompson: May I speak from my own perception?

Ms. Scott: Please.

1040

Ms. Thompson: As the process of doing this, I would see me working in conjunction with a physician. I think you can have your own practice and work in an environment where there are physicians. Aside from education and training, while in depth and valuable, I like to know that I've got right here, next door, a GP to consult with if I need him. I enjoy the prospect of being my own practitioner but working in an environment where I have colleagues around me.

Ms. Scott: That's ideal, but in some rural settings it's not quite that luxurious.

Ms. Thompson: That's true.

Ms. Scott: With referral to a doctor, he certainly has to be somewhere in close proximity. But to free up the system so that more nurse practitioners can get out in the field more quickly—I think there may be some challenges we can look at later on down the road.

Ms. Thompson: For sure it has been proven up north that they can function quite nicely on their own because there are no physicians up there, and in those situations they have to. I agree with you that it is vital that they set up practice in rural areas.

Ms. Scott: The LHIN staff and the chairs, the whole LHIN body: Do you think they would be able to be a strong advocate for the communities and the patients or do you feel like the ministry is going to exert more power and maybe not let you do as much as you'd like within the communities, taking out the financial restrictions? Just in general, if you have been given any direction, have you spoken to the minister directly?

Ms. Thompson: No. I haven't spoken to the minister directly. I have read some material that we have out. I don't perceive at this point in time that the ministry is going to look to take control of the process. They put means in place for the LHINs to work with the local partners and the local community, develop strategies, plan, coordinate and integrate services. I believe, from my perspective, that that is what they'll allow us to do.

Ms. Scott: Have you read any legislation or have you seen any with respect to the LHINs?

Ms. Thompson: What I have read is about what the role of a chair is, what the function of the LHINs will be, but I haven't seen any legislation per se. I don't believe that that is actually in place yet. What I've read is based on the legislation passing it. I've been around when groups were going around and doing their workshops. I attended the workshops in our region so I was part of the groups down there that were looking at the plans and strategies and gaps for our area.

Ms. Scott: Your information has come just off the Web sites and is the same as we've seen. There was one released on May 16. Were you able to access that?

Ms. Thompson: Honestly, I didn't see the one on May 16.

Ms. Scott: That's fine. It was kind of just slipped in there. OK.

Do you think it will be correct to continue to be a member of a political party if you are successful in being appointed as the chair of the LHIN?

Ms. Thompson: Yes, I do. To me, being a member of a political party stands for principles that I believe in and that I value. A number of people who are members of the Liberal Party have a number of jobs. I would not understand why, in this position, one could not continue to be a member of a party. I would want to continue to be a member of a party.

Ms. Scott: You're going to be appointed by the order in the council and receive a salary of—do you know how much?

Ms. Thompson: No, I don't.

Ms. Scott: You were never informed about how much pay, no range, nothing? OK. That's a big leap. Are you going to continue in your business if you're successful?

Ms. Thompson: No, I'm not. This is a conflict of interest, as was the council that I sat on. I've resigned from that. I'm in the process of divesting myself of All-Care, turning my shares over, that will eventually go into a blind trust, which will eventually be divested of.

Ms. Scott: So there is going to be a salary involved but you don't know what it is.

Ms. Thompson: No, I don't.

Ms. Scott: But you feel comfortable—

Ms. Thompson: I feel comfortable with it.

Ms. Scott: —that it's going to be sufficient to meet your needs. OK.

Ms. Thompson: I could be wrong, but yes.

Ms. Scott: You do have as a reference Hugh O'Neil, a former Liberal MPP. Do you think that has any influence on your intended appointment?

Ms. Thompson: I would hope not. I would hope that my work experience and background were the key factors of why I was nominated for this committee. I would hope the fact that he was down as a reference for me was not the key factor.

Ms. Scott: You do have an impressive background. As I said, I like to see nurses more involved and taking leads. I thank you for your time today and for your answers.

The Chair: Ms. Thompson, thank you very much for the presentation and the responses to questions. Please stick around. Our concurrence votes will probably transpire between 11:30 and noon.

MARY KWONG LEE

Review of intended appointment, selected by official opposition party: Mary Kwong Lee, intended appointee as member, Health Integration Network of Erie St. Clair.

The Chair: Our next intended appointee is Mary Kwong Lee. Ms. Lee is an intended appointee as member of the Health Integration Network of Erie St. Clair. Ms. Lee, welcome to the committee. Please make yourself comfortable. Our procedure is, you're welcome to make any opening statements about your interest and qualifications for the position, and then members of all three political parties have an opportunity to ask you any questions. We'll begin our rotation with the government members and any time that you take up will be taken out of the government members' time for questions.

Due to Ms. Horwath's very competent leadership, we're actually ahead of schedule today. Go right ahead. The floor is yours

Ms. Mary Kwong Lee: To the members of the standing committee, thank you for your interest in my being selected as appointee for the LHIN, the local health integrated network, to serve in area 1, Erie St. Clair.

My experiences and expertise are listed on my resumé that is set before you. It is my pleasure to answer questions you may have for clarification of my skills and

public service history. I offer, with humility, an openness of mind to help me learn and perform such duties as will be outlined in my future endeavour if I'm appointed as directed by the Ministry of Health and Long-Term Care of Ontario.

My experience and history of work are centred on health services. I was trained and educated in British Columbia, Saskatchewan and Ontario. My first job was at the Vancouver General, where I became the head of neurosurgery. My final 18 years were in Ontario, where I acquired my experiences in infection control and environmental control.

I was elected as a municipal councillor for three terms in Chatham, Ontario, and retired when there was a family illness. I continued to volunteer service in many areas, as you have seen listed on the resumé.

With my offspring working in distant cities and countries, I need to serve where I am most capable and thus I answered the ad that was in the Globe and Mail for people to serve on LHINs.

Thank you for offering me this half-hour and honouring me with the privilege to meet with you.

The Chair: Thank you very much for your presentation, your opening remarks. Any questions or comments from the government members?

Mr. Brown: Yes. I guess you're the first person here before us today applying for a member's position on a LHIN. As a personal note—I've got to say this because Ms. Scott always refers to nurses, she of course being a fine one—I married a nurse who was trained at Chatham Public General, so I feel like I have some relationship to Chatham and that particular part of the world.

This is an important position. It's a position that I think will be evolutionary and, as things proceed in partnership with the community—a large community—and the ministry, there will be important roles to play.

I just want to thank you for putting your name forward and answering the advertisement, because I think you are proving to us that public service matters and that people with particular expertise will be of particular value on the LHIN. Thank you.

The Chair: Thank you, Mr. Brown.

Ms. Lee: Excuse me, sir, could you speak a little bit louder. I'm just recovering from an ear infection and I can't hear too well. Thank you.

The Chair: Thanks very much. Mr. Berardinetti.

1050

Mr. Berardinetti: I just wanted to also thank Ms. Lee for coming forward today and to mention that I have family members in the nursing profession as well, including a sister. We know the amount of work you put into your profession. My mother-in-law is actually a nurse as well, and my wife is from Chatham.

The Chair: Thank you. Does anybody else want to brag about their connections to the nursing community? Ms. Scott, do you know anything about nursing?

Ms. Scott: No, but I'm glad I started the ball rolling on everyone's nursing background. That's super. Anyway, thank you for appearing here before us today. Am I speaking loud enough for you?

Ms. Lee: Yes.

Ms. Scott: OK, that's great. You do have an extensive background in a lot of areas of our country and, as well, you were in Atlanta for training, is that correct? Did you go to Atlanta, Georgia, for training?

Ms. Lee: Yes. I trained at the Vancouver General Hospital. I worked there for about seven years and I became the youngest nurse to become the commander of the neurosurgical division, so to speak, and then I married and came to Ontario.

Ms. Scott: And you've been in Ottawa and now in Chatham. Did you practise in Ottawa?

Ms. Lee: I haven't been in Ottawa. I worked in Chatham from 1969 until I retired in 1988, and I was invited to learn the first job of being an infection and environmental control nurse in hospital. That's why I have such a list of different places where I had to take the learning. I retired there when my husband was ill. Then I came back to work as an alderman for the city of Chatham-Kent, and I was on that for nine years. So since then, because of family illness, I took time also to continue with my public service, and that's why I have such a large list of wards and communities I've been serving, because I felt I needed to do some work to keep my mind going.

Ms. Scott: That's great. That's very commendable and I thank you for your community service. That's wonderful. It will be nice to have a background in infectious disease in the day and age we live in—post-SARS, and with other possible pandemic flus coming—so that will be a valuable asset to the board that you have applied to be a member.

Ms. Lee: Actually I took special courses with Health Canada on infectious disease and epidemiology. This was way back when they still had that program. Then I went on to the National Centre for Infectious Diseases in Atlanta, Georgia, to learn about infectious diseases. I went to the University of Ottawa to take the course in infectious disease and I've been sort of learning all along what the research has brought up, and I've done a lot of teaching on it.

Ms. Scott: That's great. That will be an added asset to the board, certainly. Do you see how much time the LHIN is going to take up? When it initially starts, I would think there will have to be a lot of time devoted to its beginnings.

Ms. Lee: How much time this new work will take?

Ms. Scott: Yes. Do you have any indication or have you been given any kind of direction as to what your responsibilities are if the appointment goes through and how much time it's going to take?

Ms. Lee: Well, I really can't make any comment on that because we haven't been given enough information as to what the plan is. I've only studied it recently, when the information that is given out to the public was sent to me, and I've thoroughly investigated it. I'm really looking forward to what the whole plan is and what the

responsibilities will be when the Ministry of Health and Long-Term Care sends out the goals and objectives and so forth.

Ms. Scott: I'm assuming it's going to be a lot of time and I thank you for offering that up. Have you ever been a member of a political party?

Ms. Lee: When I came to Chatham in 1950—and I don't mean to endorse anybody—I came from British Columbia, and because I'm Chinese, I was not ever allowed to vote. So when I was allowed to vote, I didn't know which party to support. I spent my years joining different ones to learn all about the inner workings of a party. Presently, I don't belong to any party.

Ms. Scott: Well, I'm glad times have changed. Have you ever donated, given money, to a political party?

Ms. Lee: Well, I think my husband gave a lot of money to the different parties. I didn't have all that money to give.

Ms. Scott: We just have you down as a donator in Chatham–Kent–Essex in 1999. Would that be correct?

Ms. Lee: Which?

Ms. Scott: The Chatham–Kent–Essex riding in 1999.

Ms. Lee: Yes?

Ms. Scott: Did you donate money?

Ms. Lee: I did do work for them at that time.

Ms. Scott: For the Liberal Party?

Ms. Lee: Well, I went along as one of the people who put out the pamphlets, because I really didn't know too much.

Ms. Scott: Did you donate money to the Liberal Party?

Ms. Lee: I did do that for the Liberal Party, but I had also done it for the NDP when Bob Rae was going into government. I've also worked for the Tory party, because I was going through a learning process and wanted to know what each party stood for. I learned a lot from all parties, and they're all good.

Ms. Scott: That's good to hear. Are you a current member of any party, then?

Ms. Lee: I don't have any.

Ms. Scott: You have a LHIN. Do you feel the size is large? Do you know the hospitals, the long-term-care centres? Is it a large area? Do you think the LHIN is going to be able to be a patient management or more of a direct delivery type of body for all the health care services that are needed in the area?

Ms. Lee: For long-term care, as I received training at the Vancouver General, we had to concentrate on learning how to look after these people too. So as I've come out into the world, I have become very interested in what long-term care is doing. Whenever I gave seminars for our hospital staff, they were invited to attend. So I know something about long-term care.

Ms. Scott: As well as, obviously, the hospitals. Do you have much knowledge of your access centre in your area?

Ms. Lee: Yes.

Ms. Scott: Have you worked with the access centre or know much about them recently—delivery of care services?

Ms. Lee: I don't.

Ms. Scott: That's OK. The access centre that you have in the area.

Ms. Lee: The asset?

Ms. Scott: Access.

Ms. Lee: Access. Yes, I have access to it, because when I do volunteer work, quite often I get to do that. When I was on the council, I had access to the long-term care. Actually, I was on the board of one of the homes way back in 1989-90 but I'm not on anything right now in that area.

Ms. Scott: All right. Thank you.

The Chair: To the third party.

Ms. Horwath: Do you have to sign confidentiality agreements with your role? Will you have to sign a confidentiality agreement with your role on the—

Ms. Lee: Oh, yes. I did sign.

Ms. Horwath: It's already been signed? Do you think that that's a necessary step?

Ms. Lee: I discussed it to make sure that I had no conflict of interest.

Ms. Horwath: Do you think that that's an appropriate thing to do, sign an agreement?

Ms. Lee: Anywhere else?

Ms. Horwath: No, for this particular—

Ms. Lee: I signed it here, but in all the work I did in hospital, because it was so intimate and so private, I had to sign confidentiality agreements with them, and that is the reason why I cannot expand and speak on those conditions in any way.

The Chair: Excuse me for one moment. Ms. Lee, will you put the microphone a little closer to your mouth? We're having trouble picking it up for Hansard. Perfect. It's because we record the hearings so that we have it—

Ms. Lee: Is that better?

The Chair: Perfect. Thank you very much. Ms. Horwath?

1100

Ms. Horwath: Thanks, Mr. Chairman.

I missed a little bit of your initial comments. What attracted you to apply to be on the LHIN?

Ms. Lee: I have extensive experience in health care in more ways than the hospital and the long-term care. One of the things that I had to do at the job I was hired for at the hospital was to do environment and infection control. I had to know the entire environment of the hospital and the institution, and I had to know every single member who worked for the hospital, because I had to oversee what each one did, what their performance was and how the environment was controlled, how it was cleaned and where the bacteria were going and so forth. So I have a very extensive understanding of a hospital, because I had to go through each unit.

A hospital is like a conglomerate of businesses. I had to see what the laundry people were doing so that they didn't get an infection, what the people were doing in

food services so that they didn't get an infection and spread it. I went through the entire division of the hospital, every department, and I wrote about 152 procedures and helped each staff member set up a manual for their particular department.

I was proud to say that we didn't have any hospital-acquired infections because everything was so thoroughly done. A hospital-acquired infection is different from any other infection; it's an infection that a patient receives from someone else in the hospital that they did not have before they came to hospital. So that was the importance of this program, for which I won recognition with my peers.

Ms. Horwath: Great. What do you see as being the big health issues facing your region right now?

Ms. Lee: I don't know very much about LHINs to make any decisions or see what they see at this moment, because I really haven't got the authority or the information. However, from applying for this position, I felt our greatest problem arising—and in my volunteer service I have tried to encourage people to think about obesity, because that age group is due for hospital care, and I don't know of any hospital that has doorways large enough, beds large enough to accommodate these people. With all the other changes in health care, we don't have to change the building, but with obesity we have to have larger beds, wider doorways and equipment that can be moved in and out to do whatever procedures we have to do for these people.

What bothers me and gets me centred on this is that we still have nurses as big as I am and it takes four or five people to move one of these patients—because we have some of these patients in hospital now. That, I feel, is the rising problem for health care, especially in Chatham-Kent. We're considered the fattest city in all of Ontario and we have the most doughnut shops.

Ms. Horwath: The most doughnut shops?

Ms. Lee: But they're beginning to come in. I have a friend in there, and when they move him, they have to get four or five nurses. When they want to take him home for a weekend, it takes two ambulance services to get him into the ambulance and out.

I've not had an opportunity to present this problem to the public. All I can say is that this is on the horizon and what are we going to do about it?

Ms. Horwath: OK. Any ideas?

Ms. Lee: I think that's about it for now.

Ms. Horwath: No ideas about how to deal with that problem?

Ms. Lee: At one time, when I was studying long-term care and health care, the federal government had special funding. If you were going to rebuild a hospital or a long-term-care facility, there were funds designated for this specific purpose, where we could get larger rooms, bigger doorways and bigger beds. I thought the most interesting thing was that when they built this building, they'd put a lift in the ceiling, because these people are so heavy to lift. And that was money granted to hospitals, but I don't know whether too many hospitals or long-term-care facilities know that it exists. Perhaps this is information we can bring to the ministry and see what they're going to do about it. Recently, my friend had to be moved out of his room in an emergency, and they couldn't move him out. I don't know how they finally did get him out for the emergency.

I'll explain a very simple problem to you, because we've gone through this: When we get one of these patients, we tie two beds together. Then we tuck the sheets on two mattresses put together, but the weight of the patient keeps pushing the mattresses off the bed, so they end up lying on the bedsprings. These are problems that nurses are facing, and that I hope further up the line other people will see what we're doing and what problems we're having.

The Chair: Ms. Lee, thank you very much for your presentation and for your responses to the members' questions. That concludes our time together.

JOE McREYNOLDS

Review of intended appointment, selected by the third party: Joe McReynolds, intended appointee as chair and president, Central West Health Integration Network.

The Chair: Our sixth and final intended appointee for this morning's session is Joe McReynolds. Welcome to the standing committee on government agencies. Make yourself comfortable. You're welcome to make an opening statement about your experience, background and interest in the position, and then we'll do a rotation of questions from all three parties, this time beginning with the official opposition. Mr. McReynolds, the floor is yours.

Mr. Joe McReynolds: Thanks to the committee for the opportunity to address you on why I'm interested in the appointment and why I feel I'm qualified. As you can see from my application, I grew up pretty poor. I grew up poor because the health care system cost my dad all his savings. I have great respect for the current health care system, and I'm very proud to be part of the Canadian health care system.

Based on almost 40 years in the broader public sector, I believe I can provide some leadership to help the health care system become more coordinated and integrated. With 30 years in the public sector, I believe I understand government processes quite well. I have always been a community developer; I've been involved in helping my communities throughout my life. It was something I was left with from my parents.

My current position, from which I have now resigned, has meant that I've spent the last eight years very involved with the health care system. I've served as the chair of the Ontario Health Providers Alliance. That's a group that represents about 95% of the health care system in Ontario. I've led the development of a broad coalition on primary health care, which involves, at the provincial level, family physicians, pharmacists, home care providers, community support services and mental health and addiction. In 1996, I was appointed to the Halton-

Peel District Health Council, and I have subsequently acted as its chair. In 2003, I was elected by my peers to be the voluntary chair of the Ontario district health councils. I think these activities demonstrate my understanding of the health care system.

I believe the biggest challenge we're going to face is to break down the silos in the health care system and to have the providers focus on the total needs of the client or patient. I believe my application indicates my involvement and understanding of the community, which is going to be most important in the transformation of health care in Ontario. On a personal level, I am offering my values, experience, expertise, commitment and skills to help with a change I really believe in.

The Chair: Thank you very much for your opening remarks. We'll begin any questions with the official opposition.

Ms. Scott: Thank you, Mr. Reynolds—

Mr. McReynolds: McReynolds.

Ms. Scott: —McReynolds, for appearing before us here today. We're at the end of the list; what can I say?

Mr. McReynolds: It often happens. I got a letter from the minister thanking me for my district health activities last night, and it was addressed to Mr. Reynolds. I'm sensitive this morning.

Ms. Scott: They should know better.

You were a former district health chair?

Mr. McReynolds: Yes, I was.

Ms. Scott: Do you feel this is a proper evolution: to dismantle the district health councils and bring them into the LHIN system?

Mr. McReynolds: I do, and I actively participated with the district health councils in that discussion. I believe strongly in the district health councils process. It was a very positive process, but what it lacked in some ways was an authority to have a major influence on its plans. What I see evolving here is an opportunity—not an opportunity, a responsibility, really, to not only help communities develop the kinds of plans they need for a health care system, but also to have a local body understand and support that. I really think it's an evolution of the health councils at this point. That's my view, anyway.

1110

Ms. Scott: So you feel that you're going to have great authority with the Ministry of Health and Long-Term Care, because this is what I've been concerned about and have asked repeatedly about throughout the morning. We don't want you to have gag orders. If you're in the community seeing the front lines, we want you to have input with the Ministry of Health. You feel that obviously the district health council—you were correct; they didn't have a lot of authority—did tremendous work, and I thank you for doing that and all the other health council members. So you feel that you're going to be able to report to the ministry and action will be taken based on the needs?

Mr. McReynolds: Yes. Obviously, the ministry—the government, I should say, more than the ministry, needs to set some directions and some standards. But as far as I'm concerned, the councils have a responsibility then to actually implement that. So I think they do have the authority, and I'm certainly hoping they do, and it's always been my intention that they would.

Ms. Scott: Since this evolution has taken place, you've never seen any legislation with any description of specifically—you're kind of buying the car also and just—

Mr. McReynolds: No. I've only seen, to the most extent, what everybody else has seen. Because I've been involved in the health care system and active in it and actually sat on the advisory committee for the LHINs—the action committee which involved all the provider groups in Ontario—I've understood, perhaps more than most people, what we're trying to achieve, but I haven't seen any legislation. I understand that it may come one day soon; I hope that will be so.

Ms. Scott: Well, we're hoping to; we've been asking.

You've been involved for a long time; you were in the process of the LHINs being set up. Can you give an example from your area? I'm sorry; I don't know it that well. Do you think your area is too big to service? Do you think that you can break down these silos? Do you see an example of maybe hospitals that will lose services, which will go to a larger hospital? How will it affect the rural and urban areas?

Mr. McReynolds: The area I'm to represent and appointed for is a combination of a very rural area and a very urban area—a fast-growing urban area. Brampton, of course, is one of the fastest-growing communities in Ontario, a community that is growing at about 20,000 to 25,000 a year, and many of those are new Canadians. So there is a real issue looking at the health care system for them. I don't think the area is too large. I think it's going to be challenging from the point of view of the mix of the population that is to be served. I've lived most of my life in rural or small communities, but I've also lived in Toronto for five years, so I have an appreciation. I ran the welfare system in the city of Toronto for several years, so I have a really strong appreciation for what a community and neighbourhood means. I don't think it's going to be too large at all. I think that because of the area we're in, because of the jurisdictions of the hospitals and other services there, it's going to be relatively easy to align services with the LHINs.

Ms. Scott: Yet you will probably have more ease than I will have with—I think I have the largest land and huge geographical challenges within that.

Mr. McReynolds: Yes, you do; you have a large map.

Ms. Scott: A very large one.

Have you been instructed as to where the LHIN office will possibly be?

Mr. McReynolds: No, I have not as yet.

Ms. Scott: Have they indicated how much the salary will be for this position?

Mr. McReynolds: They've indicated to me that there's a per diem of $350 a day.

Ms. Scott: Who indicated that to you?

Mr. McReynolds: The minister's staff.

Ms. Scott: The Minister of Health and Long-Term Care.

Mr. McReynolds: And the public appointments committee; I met jointly with both.

Ms. Scott: Do you feel the access centre in your area is going to be able to accommodate the changes that may come forth with the LHINs? Have you heard feedback from your access centre?

Mr. McReynolds: Not really. I know the thinking over there and many of the board quite well. I have no reason to believe they can't accommodate that. I'm not sure I fully understand, though, your question.

Ms. Scott: Well, it was mentioned earlier that the access centres in the areas are going to be integral in the implementation of the LHINs or getting feedback and the delivery of services. So they are going to be integral. I speak with my access care centre about the size of our LHINs and to see if it's manageable. There are going to be some challenges. So that's where my question was really derived from. Maybe your area is somewhat different, but the access centres and their staff and how they're run is going to be key.

Mr. McReynolds: You have to realize I have a bit of a bias here. I only see home care as one part of a broader health care system, a community health care system. I see access centres playing an important role in that, and in our area, I don't see any problem with them working. In fact, my own personal objective is to try to see it much more integrated—the access centre with the other community health services in our area.

Ms. Scott: Do you know of any other people who applied for the LHINs and when you're going to possibly activate the process of hiring?

Mr. McReynolds: I expect as soon as our appointments are sort of approved, we will get involved with the discussion of the CEOs. As far as the first part, do I know of anybody else? I had one individual I know and have worked with in the past. So I know one person, at least, at this point.

Ms. Scott: Are the people who were serving on the district health councils—is this a normal evolution that they apply and be part of the LHINs, do you think?

Mr. McReynolds: I personally don't know how many of them applied. I haven't heard, from the area I've been involved with, of any of them that applied. Of course, I don't know the list.

Ms. Scott: I think that's all the questions. Thank you for coming here today and your candidness. I appreciate it.

The Acting Chair (Mr. David Orazietti): I move to the third party.

Ms. Horwath: Welcome. I don't think we asked any questions about your political affiliations, if you're a member of any political party.

Mr. McReynolds: Currently, I'm not a member of any political party. I had been a member, both of the Liberals and the NDP, in the past, and for very unusual reasons, mainly to do with my family.

Ms. Horwath: Have you donated to any political campaigns?

Mr. McReynolds: I would suspect I have donated to all three parties because of the nature of my job. I guess the record would show that.

Ms. Horwath: I wanted to ask a little bit about your work with the Ontario Community Support Association, particularly around some of the comments that you made about the system needing to be fixed. I think that was in regard to some of the work that Ms. Caplan was doing around the competitive bidding process and things like that with the CCACs. Can you give me some information about how you see the system now and how it could be fixed?

Mr. McReynolds: I'm looking forward to Ms. Caplan's report. I'm hopeful that it will address some of the issues that I've spoken out on in the past, and the association has spoken out quite strongly. I think that there does need to be a much stronger stabilization of the human resources in the sector. I don't think we can afford, from a quality of care point of view, not to stabilize the workforce. So I'm optimistic that some of those issues are going to be addressed in the report.

Ms. Horwath: What do you see as the optimal way to achieve the stabilization of the workforce?

Mr. McReynolds: Pay them good wages, and benefits and good working conditions, quite frankly.

Ms. Horwath: What about the bidding process?

Mr. McReynolds: I've certainly spoken up with some concerns about the bidding process in the past. Again, I'm hopeful that some of those issues are going to be addressed. I've also said very strongly that home care should not be a different business from the rest of the health care system. If we're going to apply one approach there, we should apply an approach across the board, or vice versa. That would be some of my thoughts, anyway.

Ms. Horwath: OK. Thank you. I appreciate that.

Can you share with me a little bit of what you see your particular vision for the LHINs being? It's clear that you've participated through the whole process in terms of the establishment of the LHINs. How about sharing some of your vision with the rest of us in terms of the LHINs?

1120

Mr. McReynolds: I can try to. I'm still formulating, like everybody else, I guess. I see, as I think has probably been mentioned before this morning, that we're trying to achieve a situation where a client or a patient doesn't feel that there's a big change in the service they receive, whether they receive it from one provider or another. I see that one of the keys to that is to look at the transition points in the system so that when somebody leaves the hospital, we're sure that the family doctor knows those circumstances, that the meal program that's going to serve them, maybe a home care provider—that the system is really working so that the client or patient does not see anything but service to them.

So that's part of the end product of what I see the vision as being. How we get there, of course, is going to involve an awful lot of discussions with the providers to

break down some of those silos that exist, and also with the general public to understand and appreciate our health care system.

Ms. Horwath: How do you see your development or putting together of a good, solid board that will be able to achieve some of that vision?

Mr. McReynolds: I'm pleased that the government has looked at it as a skills-based board. I've taken liberty with the word "skills" because I believe it needs to represent understandings that people have as well.

Certainly in the area that I'm involved with there is going to have to be some broader representation brought to the table from some of the multicultural communities. There's going to have to be some understandings around the differences between the rural and urban issues that are brought forth.

I see part of the job as getting out and meeting as many of the public as possible and really starting to get a feel for who would be good representation, who does have the skills and experience to do that.

Ms. Horwath: You mentioned in your comments the challenge of the rapidly growing population in your area. Would you see that as one of the major health issues, and are their other ones that you—

Mr. McReynolds: That is a major one, because in places like Malton and Bramalea, we do not have a very extensive health care system. We have individual providers, but I think one of the major challenges is to try to find out how we can bring together a more comprehensive—I mean, in that area, there are some real possibilities around primary care that need to be addressed, so I'm hopeful about that.

The Caledon-Shelburne-Dufferin county area is a unique situation. But there is a lot of progressive thinking in that area going on about the kinds of ways that they can bring their community health together and link it to their hospital system and family doctors.

I believe part of the region also includes north Etobicoke, which presents another challenge altogether, from a health point of view. So there are going to be differences there.

The Chair: To the government side.

Mrs. Linda Jeffrey (Brampton Centre): Can I ask how much time I have?

The Chair: Of course. Actually, Mr. McReynolds took three minutes, so you guys have seven minutes for your side of the questions.

Mrs. Jeffrey: Great. Thank you for coming. I see that you're intending to be the chair and president of the Central West Health Integration Network, which is my riding of Brampton Centre.

Mr. McReynolds: Yes, it is.

Mrs. Jeffrey: I couldn't help but notice that you sat on the Halton-Peel District Health Council from 1997 to 2004. One of the issues that you dealt with was the Brampton hospital siting task force group. I wondered if you would elaborate on your time there.

Mr. McReynolds: Because you're from the Brampton area, you know that the politics are fierce and ferocious at times. Around this particular issue, the government asked us at the time if we would try to play a relatively neutral role in deciding on the siting of the hospital. We set up a pretty elaborate process, which developed some expert panels, as well as some around consultation with the community. In fact, it's a model that is now being repeated in several parts of Canada. It did allow for public input. As I said, on the expert panel we had five individuals from across Canada who had expertise in the various aspects of hospital development, and we think we came up with a reasonable solution to them.

Mrs. Jeffrey: So you are supportive of the existing site?

Mr. McReynolds: Yes, I am.

Mrs. Jeffrey: Have you been by it lately?

Mr. McReynolds: No, I haven't, actually.

Mrs. Jeffrey: I don't like to brag, but there are five cranes working on the site, which gladdens my heart.

Mr. McReynolds: It's about time, would be my comment.

Mrs. Jeffrey: It only took 30 years, so that was a good thing. I was interested to hear, and I think you spoke with the other members about, some of the challenges. There are opportunities too but it certainly is challenging within this LHIN area that it's got a rural and urban and suburban kind of flavour to it and the growth that is hugely a challenge, I think, specifically with a lot of the growth and the diversity that you'd have to deal with. Do you have any ideas about how you would deal with that challenge?

Mr. McReynolds: At this point my thoughts are to get out and to engage myself and the rest of the board and our staff as much as possible in dialogue with people. I think engagement is the critical part. It comes first, and you start to understand and ensure that we understand and ensure that people feel they have the opportunity to make us understand some of the challenges and opportunities we have. That's where I would like to start, from my perspective.

Mrs. Jeffrey: You sound like a great candidate. I hope you're successful. Thank you.

The Chair: Any other questions from the other members?

Mr. Brown: I just briefly want to congratulate you again for putting your name forward. This is a significant challenge and a significant opportunity, I believe. We need people with the kinds of qualifications you've put forward and we really appreciate your doing that, so thank you very much.

The Chair: Mr. McReynolds, thank you very much for your presentation and your responses to the committee's questions.

Folks, that concludes our intended appointee interviews. Now we'll proceed to our concurrence and motions in the order in which the intended appointees appeared before the committee.

We will now consider the intended appointment of Norm Gamble, intended appointee as chair and president, South West Health Integration Network.

Mr. Brown: I move concurrence.

The Chair: Any discussion on Mr. Gamble's intended appointment? Seeing none, all those in favour? Any opposed? It is carried. Mr. Gamble, congratulations. I know he was here earlier.

We will now consider the intended appointment of Foster D. Loucks, intended appointee as chair and president, Central East Health Integration Network.

Mr. Brown: I move concurrence.

The Chair: Any discussion on Mr. Loucks? Seeing none, all those in favour? Any opposed? It is carried. Congratulations, Mr. Loucks.

We will now consider the intended appointment of Michel Lalonde. Monsieur Lalonde is the intended appointee as chair and president of the Health Integration Network of Champlain.

Mr. Brown: I move concurrence.

The Chair: Any discussion? Seeing none, all in favour? Any opposed? It is carried. Congratulations to Monsieur Lalonde on his now appointment as chair and president of the Champlain LHIN.

We will now consider the intended appointment of Georgina Thompson, intended appointee as chair and president of the South East Health Integration Network.

Mr. Brown: I move concurrence.

The Chair: Any discussion? Seeing none, all in favour? Any opposed? It is carried. Congratulations, Ms. Thompson, who remains with us.

We will now consider the intended appointment of Mary Kwong Lee. Ms. Lee is the intended appointee as member of the Health Integration Network of Erie St. Clair.

Mr. Brown: I move concurrence.

The Chair: Any discussion? Seeing none, all those in favour? Any opposed? It is carried. Ms. Lee, congratulations. All the best to you.

We will now consider the intended appointment of Joe McReynolds, intended appointee as chair and president of the Central West Health Integration Network.

Mr. Brown: I move concurrence.

The Chair: Mr. Brown is hogging all the concurrence motions today. Any discussion? All those in favour? Any opposed? It is carried.

Mr. McReynolds, congratulations and all the best with the LHIN.

Folks, that concludes our concurrence votes on the intended appointees today. Before we adjourn the meeting, I will ask if there's any other business to be discussed.

Mr. Berardinetti: Where's Joe Tascona when we need him?

The Chair: Mr. Tascona is unable to join us, but he threatens to come back twice as strong at the next committee meeting now that he's rested.

Mr. Berardinetti: When is our next meeting, then?

The Chair: We have set our next two meetings for, if I recall—and the clerk will correct me if I'm wrong—June 1 and June 8.

Just before I finish the point, we had agreed last week as well to begin the meetings at 9 a.m. and continue until noon to enable us to deal with more intended appointees.

Mr. Brown: Earlier I put forward the government's motion, which I understand has the concurrence of all three House leaders, that the committee actually meet May 31 and then June 1. I understand that it's beyond the scope of the committee to decide, but I understand that the House leaders have already taken it up and agreed to it and that the government House leader will make that motion.

The Chair: I appreciate that notice; I'm not aware of it. Any other comments or questions?

Ms. Scott: Is it the 30th or the 31st? I just wanted to clarify. I thought I originally heard the 30th.

Mr. Brown: Yes, I believe it was the 30th. It's the Monday.

The Chair: OK. We'll see what transpires in the Legislature. Is there any other business to discuss today?

I will see what motion is brought forward, but we are still scheduled, despite that, for June 1 and June 8—and remember they're 9 a.m. meetings—to try to get through the backlogs. I've also called for a subcommittee meeting immediately after the June 1 meeting, just so we can discuss what kind of backlog still exists and then begin some discussion about meeting over the intersession before we return for the fall session of the Legislature.

Seeing no other business, the meeting is adjourned. We'll see you on June 1, or sooner if the motion is passed in the House.

The committee adjourned at 1132.

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 1 June 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 1er juin 2005

The committee met at 0908 in room 151.

SUBCOMMITTEE REPORTS

The Vice-Chair (Ms. Andrea Horwath): Good morning, everyone. Sorry for the slight delay this morning. I'll be chairing the meeting temporarily while we wait for our regular Chair, who had another commitment first thing. We expect him some time within the next half-hour or so.

I'd like to begin by mentioning that the first item on our agenda is a subcommittee report that we expect we'll want to amend, because there are some names to be withdrawn. I would ask that we move that to the end of the agenda, if that's all right.

Can I get a motion on the report of the subcommittee on committee business dated May 26? Moved by Mr. Berardinetti. Any discussion? All in favour? Any opposed? The motion carries.

Extension of deadlines: Pursuant to standing order 106 (e)11, unanimous consent is required by the committee to extend the 30-day deadline for consideration of the following intended appointee: William Brett Todd, intended appointee to the town of Prescott Police Services Board. Do we have unanimous consent to extend this deadline to, let's say, July 2005?

Interjection: Agreed.

The Vice-Chair: No opposition to that? OK, thank you. We have unanimous consent.

Is there any other business? I think there is correspondence that we received. I believe it is in your packages. I just wanted to bring that to your attention. It's the result of a request for information that the Chair made at a previous meeting. I would ask that we move it to the end of the agenda, particularly because we are running a little bit late.

INTENDED APPOINTMENTS

PENNY THOMSEN

Review of intended appointment, selected by third party: Penny Thomsen, intended appointee as chair and president, Health Integration Network of Toronto Central.

The Vice-Chair: We'll move now to the intended appointee interviews. Our first interview is with Penny Thomsen, the intended appointee as chair and president of the Health Integration Network of Toronto Central.

Is Penny here? Penny, welcome. Join us at the table wherever you feel comfortable. As you're getting settled, I'll just explain the process to you. At the outset, you have an opportunity, if you choose to do so, to make some initial comments, an initial statement. Subsequent to that, there are going to be questions asked by the various members of the committee on a rotating basis. Any time you use in your initial statement will be deducted from the government side. Each party has about 10 minutes for questions. I think that's about it. So welcome. Good morning. You're our first interviewee today, and any time you're ready.

Ms. Penny Thomsen: Good morning, Madam Chair and committee members. I think I thank you for inviting me here this morning, and I am pleased to make a statement to you. It is an honour to have been nominated to play a role in the Toronto Central LHIN, but since you don't know me, I would like to take a couple of minutes just to give you some perspective on my background.

As you can see from the material you received on me, I stepped down last summer as CEO of the Canadian Cancer Society in Ontario. I had been in that position for 11 years. The organization was financially sound, I had a strong senior management team and the board still liked me. I thought that was a good time to go.

I learned a lot in that position and from my other jobs, both paid and volunteer. Indeed, I always feel I learn much more than I can contribute. I learned how to manage a multi-level, complex, multi-functional organization. In this case, it was about $70 million, 300 staff and 100,000 volunteers. It also gave me the opportunity to hone my strategic planning, creative problem-solving and voluntary governance skills. But perhaps just as importantly for this current position, it taught me a lot about health care in Ontario and helped me build collaborative relationships in this field.

The CCS position focused on the community, but I've also spent the last two years on a major teaching hospital board. It broadened my understanding of that part of the sector as well. I've extensive voluntary experience on both sides of the table, as staff and as a volunteer. All of these experiences, coupled with the fact that I retired in part to take on new challenges and therefore have the time, have positioned me well, I believe, to take on the role of chair for the Toronto Central LHIN.

I'm passionate about health care. I'm passionate about making a difference. I like challenges. I like change and change management. I've been privileged that most of

my positions, both paid and volunteer, have allowed me to make a difference in people's lives.

I believe it is a privilege, and that's how I view this current opportunity. I don't want to sound trite or naive, but if my appointment is approved, I will look forward with excitement and some trepidation to what I believe will be another tremendous learning opportunity and another avenue to make a positive difference in health care and ultimately in the lives of the people we serve.

Thank you for providing me with the opportunity to address you.

The Vice-Chair: Thank you very much, Ms. Thomsen. Now we're going to do a bit of a switcheroo because the third party, my party, is in fact the first group to interview you in the rotation because we go based on every meeting. So I'm going to ask Ms. Scott to take over as Chair so that I can start the interviewing process, if that's all right. Thank you for your consideration here.

Ms. Andrea Horwath (Hamilton East): OK. Now I'm wearing another hat, which is just as member. I wanted to welcome you and thank you for coming. There are just a couple of questions that I had, the first being, are you aware of remuneration for this position?

Ms. Thomsen: I believe there's a per diem rate for the chair.

Ms. Horwath: Can I ask you, do you have any particular political affiliations?

Ms. Thomsen: I have none. I might be the kind of person politicians don't like because I really do vote according to my understanding of the individual and their positions on particular issues.

Ms. Horwath: Do you have any history of donations to political parties or political candidates?

Ms. Thomsen: I don't, but in the interest of full disclosure, I was thinking last night, my husband and I do have a joint banking account and he has probably made contributions to professional and personal associates who have become involved in various levels of government. So there may be a receipt out there that has both our names on it because of a donation he's made.

Ms. Horwath: As long as it's not a problem in the family, then—

Ms. Thomsen: No.

Ms. Horwath: OK. Well, thank you for that upfront response. I really appreciate it.

As the chair, you would have a huge responsibility for your LHIN, quite a complex network of services to oversee. Can you tell me what you think some of the major health-related issues are right now facing the area and then also how you expect to be able to put together a functioning LHIN that's going to be able to look after all of those needs.

Ms. Thomsen: It's interesting. I was thinking this morning that that might well be a question, and I was reflecting that, as news of the nomination worked its way out into the more public sector, people have been very supportive and very kind. Everyone would say, "Congratulations," and then in the next breath, they would say, "Condolences," almost to a person. If I had asked each person why they said "Condolences," I would probably have a very interesting list to share with you, but I might not have shown up.

Clearly, the LHINs in themselves are a challenge. It's new and evolving and there is a great deal of learning to take place. If you overlay that on to the complex situation in Toronto, it is a very significant challenge. It's not that it's that many people—it's about a million people—and geographically it's not that large, but it is the greatest density of health care professionals. You have everything from academic health science centres to hundreds of community groups. If you overlay that on top of the issues of an inner city, in terms of the homelessness and the ethnic issues, the cultural diversity and so on, it is going to be a challenge for sure. It is one that can be daunting; I'll be frank about that.

The second part of your question was how to establish a functioning LHIN in light of that complexity. Fortunately, we have other experiences we can draw on. There have been regional health authorities established in other countries, as well as in other provinces. We also have some models in Ontario that we can learn from, models like the Cardiac Care Network, the integration of cancer centres into their host hospitals and the work that Cancer Care Ontario has done since. We'll be able to learn from each other in terms of the LHINs. We were just saying how nice it will be to have a new colleague group that we can learn from in terms of the other LHIN chairs.

I think an additional challenge, though, when you only have a nine-person board, is what kind of structures you establish to make sure that you get the kind of information and input that you need. I think it comes down to communication, communication, communication, consultation, consultation, consultation, and collaboration, collaboration, collaboration. I think we have to strive for a very open, transparent way of working so that we can take advantage of what is going on and get the very best out of all the players.

Ms. Horwath: In following up on that, can I just ask, as you look to building the board—there will be three appointments and then you'll be asked to build that board—where do you see drawing your other board members from? Do you have any notions of either people currently or at least sectors you'd like to draw from?

Ms. Thomsen: I think for the next three we'll still have the extensive list of applications that we'll be able to look at. Then for the third three, if I can put it that way, we'll have to look at some type of community engagement. I'm not sure what that process might be.

I have given a little bit of thought to what kinds of skill sets might be interesting and useful to have. To be honest, I have met the other two nominees for the Toronto LHIN, but I wouldn't pretend that I really, fully understand their skill sets, so I'm not sure that I completely know what I've got yet.

I mentioned that communication is going to be important, so I think to have someone with communications, community development kinds of skills, will be very helpful—human resources, IT.

The other thing I was wondering was if it wouldn't be helpful to have someone with an ethics background. I think someone who has an understanding of the science in terms of developing the values that help you make complex and difficult decisions might be a very interesting ingredient on the board.

0920

Ms. Horwath: Again, in a similar context, in terms of searching for an executive director position, any thoughts on that?

Ms. Thomsen: I think it has to be someone who has a good understanding of the health care system and the complexity of it and someone who understands what it takes to start up a new organization. I think it's very important that it be someone who has excellent communication skills, someone whose management style is open and transparent, and I think someone who is very ethical. We'll have to make sure that the LHINs function in a way that really engenders confidence.

Ms. Horwath: Do you have any other languages that you speak?

Ms Thomsen: No. I can manage in French, but I wouldn't pretend I was bilingual.

Ms. Horwath: Do you think that would be an important asset to build in to your organization?

Ms. Thomsen: I think we'd have to have that capacity. I'm not sure it necessarily means having that capacity in-house as much as accessing a service or something that can provide it.

Ms. Horwath: OK. As the LHINs evolve the way you're describing it, there will be many, many decisions about the allocation of scarce resources particularly. We've heard the minister talk about the need to rein in the exponentially rising costs of the health care system generally. That's going to be no easy task. I'm wondering what skills you would bring to not only the rationalization of services but the allocation of dollars with competing interests in the community after those scarce resources.

Ms. Thomsen: Again, as I mentioned, I'm not sure what specific skills I have as much as my ability to put the right people around me who can help deal with those very difficult decisions. And they are difficult. If they were easy, they would have been figured out a long time ago.

It's important to recognize that there's already a lot of work going on and a lot of good conversations happening, ever since the health services restructuring right through to the balanced budget plans that the minister has put in place with the hospitals. There are a lot of conversations already taking place about, "How can we do things more efficiently, more effectively? Are we the right organization, or is someone else the right organization?" I'm actually quite optimistic that there's a huge receptivity to change. People are ready and welcoming this.

Ms. Horwath: Maybe you can help me understand that within the context of the workers in the health care system. Those words of "change" and "People are ready to see the systems changing" often mean, for workers, layoffs, job losses and those kinds of things. Can you speak to that a little bit?

Ms. Thomsen: I can't specifically speak to potential layoffs. I can understand that change always brings a level of angst and concern. Some people are more comfortable than others in embracing change. I look at this as different ways of doing things. But I haven't been privy to any discussions about whether or not layoffs would be part of the longer-term vision.

Ms. Horwath: You realize, I'm sure, that many workers in the health care sector are unionized workers. Do you have any experience with or understanding of how that impacts on the system, particularly collective agreements? Do you have that as a piece of experience in terms of working with organized or unionized workplaces and/or understanding the place that collective agreements hold in the order of things?

Ms. Thomsen: In another life, many careers ago, I did have unionized staff reporting to me, so I have that minimal appreciation. Beyond that, I wouldn't pretend that I had a great understanding beyond what the average interested person understands and reads about that kind of situation in health care.

The Acting Chair (Ms. Laurie Scott): Ms. Horwath, your time is up. Now we'll be moving on to the government side. You have seven minutes, if you have any questions.

Mr. Ernie Parsons (Prince Edward–Hastings): No, we have no questions.

The Acting Chair: I will ask Ms. Horwath to come and resume the chair so I can ask some questions.

Ms. Laurie Scott (Haliburton–Victoria–Brock): Thank you very much for coming here this morning and being willing to apply as chair and giving back to your community after retiring and looking for another project. I appreciate the philosophy you have.

How did you initially hear? Did you read it in the papers? Where did you see this position?

Ms. Thomsen: Anyone associated with health care was aware of the proposal for LHINs. I first saw it in the newspaper. I think my husband probably said, "Make sure you look at page whatever in the newspaper."

Ms. Scott: I was just wondering, in preparing for today's meeting and when you put your application in, were you told anything as to what the position would really entail, what would happen once you got your patents, the organizational structure, whether you'd be developing human resource policies, hiring and firing? Were you given any instructions as to what your role was going to be? Were you given a handout?

Ms. Thomsen: I attended a briefing session where we were given some materials. I don't think I know a lot more than what is in the public domain. I certainly know that, for instance, the board will be responsible for hiring and firing the CEO, and then the CEO will be responsible for the staff structure underneath him or her. I'm not sure if I'm fully answering your question.

Ms. Scott: We were just wondering what information you have about the position that you're applying for.

What were you given? Are you going in and taking it as it comes, or were you given specific instructions?

Ms. Thomsen: I don't have a lot more than what was listed in the ad in the paper and what's available on the Web and so on. I'll be perfectly frank. I think this is a leap of faith. I'm OK with that. I think when you want to create change, you have to be prepared to make that leap of faith and not have all the answers, particularly in a new organization. It's not possible. The other thing is that we wouldn't want to be presumptuous and go to a level of detail that is not appropriate before the appointment is finalized, if indeed it is.

Ms Scott: Ms. Horwath was asking you about staff and the challenges in surrounding yourself with people who have the appropriate skills. You have three board members, is it? Yourself—

Ms. Thomsen: And two others.

Ms. Scott: Did they give you any timelines as to when you could hire an executive director? Is it just the three of you, or does the board have to be at its full complement before you move forward with hiring the executive director?

Ms. Thomsen: I believe that we'll be able to move forward with just the three, in terms of hiring a CEO.

Ms. Scott: So once they're up and running—the three that are finalized, so after today, maybe, if things go well—then you can immediately proceed to look for an executive director?

Ms. Thomsen: Yes, I believe that process is in place, in that they have started to screen candidates.

Ms. Scott: Have you been told where your office may be?

Ms. Thomsen: Somewhere in Toronto, I assume.

Ms. Scott: It's easier for you than the larger rural ridings.

Ms. Thomsen: Yes.

Ms. Scott: Did they give you any idea of how much commitment of time this is going to take? When you said you were being paid per diem, were you told how much per diem?

Ms. Thomsen: I believe it's $350 per diem. In terms of time, the initial development phase, I believe, will be quite onerous. I'm anticipating it will be at least three days a week, and perhaps more. One would hope that when things are up and running, although I doubt it will ever become simple in this LHIN, it will take less time, but I see it as a very significant commitment of time.

Ms. Scott: How many hospitals do you have in this LHIN?

Ms. Thomsen: I think it's 14 hospitals with 26 locations, right down to hundreds of community groups.

Ms. Scott: Are you going to be looking after the long-term-care centres then, too, to your knowledge?

Ms. Thomsen: Yes, I believe so.

Ms. Scott: I'm not exactly familiar with your area, but have you been told about any condensing of the CCACs?

Ms. Thomsen: I understand that there is a process underway to look at that and whether there need to be realignments and so on, but I've not been privy to any specific details.

In terms of the boundaries for this LHIN, if that would be helpful, it's Islington on the west and Warden on the east. In the north, it's Eglinton, except that it goes up to the 401 between the Allen and Bayview, roughly. I think those are the old Toronto boundaries, more or less.

0930

Ms. Scott: When you said there was a mood for this change to come, where did you get that feeling? I represent a large rural riding. That was certainly not the mood in my area, that we have a larger LHIN, and the fact that our smaller hospitals are not going to have a stronger voice. In Toronto, it's a little easier to do these LHINs. Why did you feel that the mood for change was coming and this was the correct step to go?

Ms. Thomsen: It's largely from my experience, first of all, with Cancer Care Ontario and my work with the regional cancer centres and my experience on the board with Sunnybrook and Women's College Health Sciences Centre. I already see new collaborations, new relationships, new ways of looking at things. I am also on a—I should say "was," because I have resigned from these committees to avoid any appearance of conflict. It's also from some work I've done on a committee at Princess Margaret Hospital. I just see people approaching things differently. Collaboration is almost the standard way of doing things, so that people aren't just thinking in silos any more.

It's my personal belief that people receive very good health care, but it's isolated incidents of health care and it's the lack of seamlessness that people get frustrated with.

Ms. Scott: I know there was quite a period of anxiety when Women's College and Sunnybrook amalgamated, and there is still some—I don't want to say bad blood—conflict there.

You're right; there shouldn't be silos. They should be working together. In that respect, do you see the LHINs as patient-focused or are they just going to be service-delivery entities? What I'm saying is, are you going to be involved more in the day-to-day issues or are you going to be more like an HMO in the States, where patients are told, "This is the facility you must go to because you're in this LHIN"?

Ms. Thomsen: I think it is very much patient-focused. Certainly, LHINs aren't meant to restrict patient flow between LHIN boundaries. The LHIN boundaries should be invisible to patients.

I believe LHINs aren't about facilities; LHINs are about the way patients and their families interact with the system. I think one of the saddest things we hear in this business is, "If only I had known." We hear from patients whose lives perhaps would have been much easier if they had known about a source of information, if they had known they could get a second opinion, if they had known about resources they might have got in the home to help their discharge, and so on. They don't always get the services they need when they need them because of some of these silos and gaps.

I think the mission of the LHINs has to be to provide care that has continuity, not silos and gaps, so that we won't hear, "If only I had known."

Ms. Scott: So you think that the LHINs are going to be directly involved with day-to-day patient care? Are you going to get that detail? I know what you're saying, and I agree. I just can't see the LHINs functioning—

Ms. Thomsen: I think it's more of a philosophical positioning, in terms of how we approach things. We can't possibly become involved in day-to-day care. We can't possibly become ombudsmen for every individual patient issue. That's not what I'm suggesting. I think that it's more of a tactical kind of issue—to help the system work more effectively, rather than individuals.

Ms. Scott: We're frightened that the LHINs may be just another layer of bureaucracy. They're going to be handling a lot of money and distributing it to their LHINs, hopefully appropriately. Can you give me an example of how you could make this more seamless from the LHIN level, to deal with the hospitals, and the co-operation? Just as an example, is one hospital going to be specialized, as opposed to another?

Ms. Thomsen: I think the key to a lot of those kinds of decisions is evidence-based; understanding the right place to do certain procedures and the best way, the right way, to do referrals and so on. There's a lot of experience about how to create systems that do work better for the patient, and I think that's what we need to learn and understand.

Ms. Scott: I'm told that I'm out of time, so thank you very much for your answers.

The Vice-Chair: That's the end of the interview process now. You're welcome to have a seat and wait till the end of the session, if you have the time. That's when we go through all the people we've heard from today and make our final decisions, but you're not obligated to do that either. I'm sure you have a busy day ahead of you. Thank you for coming. We appreciate your time.

JUANITA GLEDHILL

Review of intended appointment, selected by official opposition and third party: Juanita Gledhill, intended appointee as chair and president, Health Integration Network of Hamilton Niagara Haldimand Brant.

The Vice-Chair: I'd like to now invite our second interviewee to join us at the table: Juanita Gledhill, the intended appointee as the chair and president of the Health Integration Network of Hamilton Niagara Haldimand Brant. Welcome, Juanita. You've seen how the process goes, so you have an initial opportunity to make a few comments or make a statement. The time you take will be deducted from the government side. Next time around, we will be starting questions with the government side. I'll leave it to you.

Ms. Juanita Gledhill: I do have a brief statement and I ask your indulgence for just a few moments. Thank you to the members of the committee for inviting me here today to discuss my qualifications for this appointment. I would like to say that it is a privilege to be here and to be considered for public service. I think that's something I hold very dear and I am delighted to have an opportunity.

I'd like to take this opportunity to just share with you very briefly some of my experience, which I believe qualifies me for the role for which I'm being considered for appointment at this time. I believe you have my resumé or CV in front of you so I won't go through a detailed background. My background is in human resources so it's always interesting for me to be on this side of questions, as opposed to on the other side.

I have had a very diverse yet progressive career in both the private and broader public sector. Much of that career has been spent in progressive leadership roles related to client service in one form or another. In particular, I have worked with both large and small organizations and I find myself particularly drawn to what I would term start-up organizations, or new organizations, ones that perhaps may be changing their direction somewhat.

As a career, I came to human resources not through the traditional progression, but rather through progressive management roles. In that, I discovered the true rewards of excellent HR practices and the value of focused and dedicated leadership, which is best achieved through collaboration. As a result, I found myself sought out for roles where the ability to understand, support and lead were required to help organizations move forward and change direction in some cases.

After a very rewarding tenure with what was then known as the Workers' Compensation Board, I went from a very large public organization to a very small private organization. It was a start-up software engineering firm. I do not have an IT background, but I went there as director of operations. It was the mid-1990s, and with the dot-com boom at that time, they were looking to grow. I helped that organization build its infrastructure and two years later when I left to return to a position in my own town, we were three times the size and poised for merger. I learned a lot through that role.

At that time, I moved to an organization called VHA Health and Home Support Services, also known as the Visiting Homemakers Association of Hamilton-Wentworth. I went there as their first HR manager. At the time that I joined VHA, they had a staff of approximately 500 employees, mainly home support workers working in the community. They had just had their union certified and were negotiating their collective agreement. From an HR professional's perspective, it was a terrific challenge because they had never worked with a collective agreement. I was involved in the negotiation of the first collective agreement and with implementing that within the organization and building those new relationships and processes to support working with a collective agreement.

In my role at the time, and I think to some degree still today, the home care sector had a turnover rate of anywhere between 25% and 50%, which was significant. My biggest challenge was to develop innovative re-

cruitment and retention strategies for VHA in order to maintain continuity of service to our clients in the community. We had about 3,000 clients at that time.

Because of my HR skills and my varied background, I quickly became sought out for roles in coalitions and task forces to address the recruitment and retention issues in our sector. Subsequently, a little over a year after I joined VHA, I became the executive director. There again I had a new opportunity to learn even more about the home and community health care sector. I had an opportunity to bring my knowledge, in particular around human resources, to our provincial association and to some provincial task forces. Again, my focus was mainly on recruitment and retention and stabilizing our workforce, which was very critical to the delivery of services, but also to the direction that home care was going at the time.

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There are just a couple of very quick things I'd like to highlight. One of my proudest accomplishments at VHA was when we developed a partnership and a collaboration to reach out to new immigrants within our community who had an interest in the home care field, and we built a partnership with Mohawk College, which delivered training for personal support workers. We were able to collaborate with multiple levels of government and a local women immigrants' centre to seek out interested people, and recruit them and train them to become part of our workforce. That was a very exciting project to be part of.

Since leaving VHA, I was drawn into establishing my own business as an HR consultant. My special focus is on organizational development. Again, I worked with clients around recruitment and retention and building high-performance teams—performance management. I work with both private and public sector clients. I've also had an opportunity to develop some training workshops around interviewing, retention and performance management that I've recently delivered in Toronto, Peel and London. I really enjoy that part of helping people understand and develop better HR practices.

With respect to my experience related to governance, I've worked extensively with the board of Catholic Family Services and Ronald McDonald House in Hamilton. I have been on numerous committees: ends, monitoring, bylaw and nominating committees, etc. I find that work extremely rewarding. Any opportunity to connect with the community I find myself drawn to.

In closing, I'd like to summarize my work and volunteer experience by stating that human resources is my profession and community health care is my passion, and I actively look for opportunities where I can bring those two together. I see this as one such opportunity, and I'm truly appreciative of your consideration this morning.

The Vice-Chair: Thank you very much, Ms. Gledhill. The government side has about three or four minutes, I believe.

Mr. Parsons: No questions.

The Vice-Chair: No questions? Ms. Scott, any questions of Ms. Gledhill?

Ms. Scott: Yes. Thank you very much for appearing here before us today, and for coming in. Listening to your background, I just wanted to clarify: Right now, what is your employment?

Ms. Gledhill: I'm self-employed.

Ms. Scott: You're self-employed, and is it in human resources consulting?

Ms. Gledhill: Yes, as a human resources consultant.

Ms. Scott: And that is in Hamilton?

Ms. Gledhill: I'm based in Hamilton but I have clients in various areas.

Ms. Scott: You heard about the position through the newspapers, or—?

Ms. Gledhill: Through the newspaper and it was also on the Web. It was very publicly known.

Ms. Scott: So you just saw that and thought that it was the niche, with your human resources and your health care passion.

Ms. Gledhill: I saw the human resources piece and the health care and away I went, yes.

Ms. Scott: You certainly have more experience with the human resources profession than health care. You said it's your passion, but human resources seems to be your biggest work experience. Can you say that?

Ms. Gledhill: It is, but I was with VHA for a little over four years, and in leadership roles. I found myself being completely drawn into it. In many of the programs we had, we provided community support services as well as home care, and so I had opportunities to be part of collaborations with the hospital sector and some innovative programming, so that's the health care piece. I've also done work with the Ontario Community Support Association since leaving VHA, in the HR field but part of health care recruitment issues.

Ms. Scott: In your cover letter, you say, "My experience working on several community boards, coupled with my tenure as executive director reporting to a community volunteer board, has solidified my knowledge in skills related to effective governance and the provision of strategic leadership for an organization." But while you were the executive director of the VHA home and health support service, it did go bankrupt in 2002.

Given that the LHINs are going to be handling billions of dollars of funding, and you were the executive director when the VHA went bankrupt, could you tell us about that experience and how the financial leadership skills you gained there could actually help in your being the chair of the LHIN and handling the billions of dollars that are going to be flowed through to your LHIN?

Ms. Gledhill: Certainly. I'd be happy to speak to that.

I'd like to take the opportunity to give a little context as to the bankruptcy and closure of VHA. At the time that I was executive director, we were under contract with our local CCAC. It was a four-year contract, and the price was established at the beginning of that contract through an RFP process. Midstream, for lack of a better term, our volume dropped significantly. It dropped by 45% in a six-month window, and there was no oppor-

tunity to revisit the contract in any way to adjust the price for service.

As an organization, what you're faced with is you go in with expected volumes based on historical trends, recognizing that volumes are not guaranteed and the price is set, and then the fundamental basis for that pricing changes. You have all of your overhead, you have all of your structure, you have a collective agreement in place that commits your wages, and your volume plummets.

We went from delivering 50,000 hours of service in December to delivering 25,000 hours of service in July. The board of directors looked at what was happening, the direction that it was going and the inability to change, and made a decision to close the agency.

The bankruptcy resulted because once you give notice to close you invoke employment standards and, therefore, your commitment to termination and severance pay exceeds what is in reserves. That was the decision of the board at the time, it was found through that process, so there was no reflection on my leadership or our management, as an organization, of the finances of the organization.

Ms. Scott: So you felt it was the board's decision to close because the volume had gone down, and not due to financial management skills on your part?

Ms. Gledhill: I do believe that, and that belief is substantiated through public statements made by the board. Absolutely. It was circumstances.

Ms. Scott: Were there any other organizations like yours that went bankrupt in the community at that time, or were you the only one? Was the VHA Health and Home Support Services the only one that went bankrupt in that area at that time?

Ms. Gledhill: In our area? At that time, no. I'm not certain and I'm not comfortable making assumptions, so I won't. I know that it happened in another area shortly after ours, because I was contacted to help them understand what process they were facing.

Ms. Scott: So, to your knowledge, yours was the only organization in your community that went bankrupt in 2002.

Ms. Gledhill: Yes.

Ms. Scott: Have you ever volunteered or worked in a campaign for any person running for office?

Ms. Gledhill: I have volunteered on a campaign. I did some door-to-door. I did that at a couple of different points in my life.

Ms. Scott: Could you tell us the people you have worked for?

Ms. Gledhill: I'm not sure how far back you want to go. I remember that when I was in school I did some work for a local election. Most recently, I did some door-to-door campaigning for our Liberal member of Parliament.

Ms. Scott: That would be Minister Bountrogianni?

Ms. Gledhill: Yes.

Ms. Scott: So you did work for Minister Bountrogianni.

The Chair (Mr. Tim Hudak): Thank you, Ms. Scott.

Ms. Scott: I'm out of time.

Ms. Horwath: Hello again, with my other hat on.

Ms. Gledhill: Hello again.

Ms. Horwath: Since Ms. Scott started down that road, I thought I would just finish it off and ask: Are you a member of a political party at this point?

0950

Ms. Gledhill: I am a member of a political party at this point. I am a member of the provincial Liberal Party. I've also attended events for members of all parties at all levels of government. I did that as part of being in our community and establishing relationships.

Ms. Horwath: Just for the record, have you made donations to any political party?

Ms. Gledhill: I have. I've made a donation to the provincial Liberal Party, and I believe that I've made others but I can't recall the specifics of those. As I said, I've attended events, fundraisers etc.

Ms. Horwath: All right. Thanks very much.

I wanted to ask a couple of questions about your current consulting business. I noted in your documentation that some of your clients or customers are in fact providers of health care in the community. I'm wondering if you can talk to me about if you feel that any conflict of interests will arise if you are appointed as the chair of the LHIN. Further to that, do you intend on maintaining your current business?

Ms. Gledhill: Thank you for that question. No, I do not believe there is any conflict. Let me begin with that. Currently, I do not have any health care providers as part of my clients. I did a project a couple of years ago. For one, it was completely HR-related. It was around absenteeism policies. I completed that project.

I did some work with the Ontario Community Support Association. One of the projects that I did for them was very interesting to why I'm here today. It was around shared services. I conducted focus groups around the province for them with community health and support agencies to identify what best practices existed around the province around integration among that sector and with other parts of the health care sector.

I did a research paper on the opportunities for integration with community mental health organizations and community support services. Again, that work is completed.

Most recently, I was the principal consultant on a labour market study for the community support sector; again, very HR-related.

All of that work is pretty much wrapped up at this point. I do intend to continue my business, but the work that I'm doing right now is not in any way related to the health care sector in any context. I would certainly be very careful about any conflicts, but I do intend to keep my business going.

Ms. Horwath: I wanted to follow up a little bit on the questions that Ms. Scott was raising around your experience with the health care sector particularly. Maybe the best way to attack it is to ask you straight out what you

think the major issues are facing the LHIN that you are going to be responsible for from a health care perspective, first of all.

Secondly, how do you expect to deal with the conflicting demands not only from the health care perspective but also from the regional perspective, considering the various geographical areas that this LHIN will be covering off?

Ms. Gledhill: To the first question around what I think are some of the key health care issues within the entire scope of this LHIN, I think how we are providing and how our frail elderly and our vulnerable population are accessing health care, in particular primary care and, more specifically, how factors such as poverty and nutrition play a role. That's more the preventive side of health care issues.

There are absolutely issues around acute and wait times. You can't minimize any of it, because health is important to all of us. But we have an aging population and our aging population is facing some very complex issues. People strive to remain in their home or in their community wherever possible, but need access to appropriate health care and community support.

The other key issue we are facing is mental health and addiction and how those people suffering with and managing those issues within their life are accessing all parts of the health care system. I think that's where potentially the opportunity for integration exists. So mental health and addiction, absolutely, and I think that is not limited to our LHIN; that is probably within the health care system. I think also how we are addressing the complex nature of illness of our aging population and the vulnerable within our community. If people don't have access to primary care, if they are struggling with poverty, then their nutrition and therefore their health will be affected. Diabetes doesn't get managed, examples like that.

To your second question regarding the LHIN, it is a large geographic area. It is considerable in scope. Some of the regional attributes that we will be looking at and need to be aware of and respectful of include that Hamilton has a large immigrant population. It's also a regional centre for many things. Niagara has undergone some restructuring and there is a growing demographic, in particular in the Grimsby-Beamsville area. The population in that area is just tremendous and so the role, for instance, of West Lincoln Memorial Hospital there, the demand for that service, is increasing.

One of the other factors within our LHIN area is, we have a very urban area and we have a very rural area. There are differences in how you access health care, what's available locally. What does "locally" mean to you when you're living in a rural area, when you're living in an urban area? You bring that around to the Burlington area. Brant often finds itself—I've heard from people who are from that area that they sometimes feel themselves more closely aligned with the Kitchener-Waterloo area than they actually do with Hamilton. Niagara doesn't really feel aligned with Hamilton. I think then the challenge to myself as a prospective chair of the LHIN is to get out to those communities and start to build relationships and be as representative of all as possible. The only way to do that is to build those relationships, and that is the part of this that I am really excited about, I must say.

Ms. Horwath: Can I just ask quickly, because I have another question as well, do you see then, as you build your board, building the representation more geographically than around skills? Can you speak to that a little bit?

Ms. Gledhill: From a corporate governance perspective we must be mindful of skills around the table in order to effectively lead and manage the organization that is the LHIN. From corporate governance, that is critical. I think you then look for what other opportunities you have to bring perspective and balance to the board. It has to be a combination.

If I can just ask your indulgence for one moment, I also wanted to say around Brant that there is also the Aboriginal health facet that exists in Brant in particular that I think is very important to this LHIN and to be considered as well. Thank you.

Ms. Horwath: Thanks. If I can ask one more question, it has to do with a little bit of your past history that you raised during your comments around working in the unionized environment with the collective agreement at the VHA. I'm not sure if you've had any time to look at some of the response that's coming out around LHINs, particularly from the labour movement. Have you heard of any concerns that have been raised from the labour movement in regard to the LHINs initiative?

Ms. Gledhill: I can't say that I've heard specifically. I know there is concern. There always is, in particular in health care around job loss. I think we have to be cognizant. I think the human resources of health care are very, very important.

Ms. Horwath: Thank you.

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The Chair: Ms. Gledhill, thank you very much for your presentation today. As you probably know, we move to the concurrence votes at the conclusion of the interviews. Any time between 11:30 and noon is when that will transpire. You're welcome to stay and enjoy the show, and hopefully we'll see you around that time. Thank you very much for your presentation.

Ms. Gledhill: Thank you very much for your time this morning.

The Chair: Folks, again, thank you very much to my Vice-Chair, Ms. Horwath, for filling in in my absence. She did an admirable job, as always. It's much appreciated.

KATHRYN DURST

Review of intended appointment, selected by third party: Kathryn Durst, intended appointee as chair and president, Health Integration Network of Waterloo Wellington.

The Chair: We will now move on to the third individual, who is Kathryn Durst. Ms. Durst is with us here this morning. Ms. Durst is the intended appointee as chair and president of the health integration network of the Waterloo-Wellington region. Ms. Durst hails from Kitchener, Ontario. We welcome you to the committee.

Ms. Kathryn Durst: Good morning.

The Chair: Good morning. Make yourself comfortable. You'll have an opportunity to make a presentation about your interest and your background in this particular position. We'll begin any questions with the official opposition in due rotation. Ms. Durst, the floor is yours.

Ms. Durst: Thank you, Mr. Chair, and thank you to the committee for the opportunity to highlight my qualifications to you as the nominated appointee for the chair of the board of directors of the LHIN, Waterloo Wellington. I am very pleased to have been nominated and look very much forward, if appointed, to successfully leading our board in achieving the province's strategic community health care priorities.

You have my resumé in front of you. As you will note, I have been privileged to serve the Waterloo community as a member of the staff of the city of Waterloo for 30 years, all of those in a management capacity, and for the last 20 years as a member of the senior management team, including terms as the chief administrative officer. I am retiring from the city of Waterloo and my last day of work is June 24. I have also resigned my positions at the St. Mary's Hospital board resource planning and utilization committee and the Catholic Family Counselling Centre, as the centre receives funding from the Ministry of Health and Long-Term Care.

Early on in my career, I came to understand the importance of a variety of community care interventions, easily accessible and affordable, in my first job at the city as the director of seniors' programs. I also learned how to make the highest and best use of scarce resources through community collaboration and forging creative partnerships with senior levels of government. As a result, the city of Waterloo was recognized as a leader in the provision of a full range of day programs, caregiver support programs, meals and home care services for older adults, all within a parks and recreation mandate. It was at this point in my career that I was asked by both the provincial and federal governments to consult with other communities in the development of such services and to teach at both the University of Waterloo and Conestoga College in their programs in gerontology.

As I progressed through my career, I gained experience in being accountable for multi-million dollar operating budgets, leading large staff groups and developing community partnerships with a variety of corporate, institutional and community stakeholders, including many in the local health care system. I was also responsible for facilitating community volunteer teams in the designing and building of major capital projects, including the operation of the capital fundraising campaigns necessary to meet those community needs.

I believe the key principles for the establishment of the LHINs match my experience with the public demand for efficient and effective service delivery in the face of limited resources. In this regard, I have led large teams to ensure services based on equitable access, choice and measurable outcomes, all developed within a municipal business planning model. These changes in corporate structure were accomplished with the full support and input of all labour groups.

Based on my 30 years in the public service, I am well familiar with the issues of governance at all levels. Notwithstanding the complexity and size of the health care system, I believe that with good planning, creativity and capable, informed leadership, an integrated and coordinated system is achievable. One of the main reasons for this faith is that each LHIN has the authority and accountability to plan services that make sense for their individual region. In my view, this is not a one-size-fits-all solution.

In closing, I wish to once again thank the standing committee for the opportunity to demonstrate how my qualifications, skills and professional and volunteer experience match those required to be a successful board chair of the LHIN, Waterloo region.

Thank you, and I would be pleased to answer any questions you may have.

The Chair: Ms. Durst, thank you very much for your presentation. Questions begin with the official opposition.

Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford): Thanks very much. I welcome you to the committee. I just want to ask some questions specifically, and if you could then respond to them.

Will you have exclusive authority, without reference to the Ministry of Health and Long-Term Care, to create on organizational structure for the LHIN?

Ms. Durst: I believe that the role of the chair will be to hire the CEO for the LHIN. The CEO will then create their own staff structure. As for the board structure, we have already appointed nominees for two members for each LHIN on the board. We will then be placing board membership for the rest of the board.

Mr. Tascona: What's the basis for your knowledge? How do you know that?

Ms. Durst: We have been given that information by the ministry. It has also been part of the public information with respect to the development of the concept of the LHIN.

Mr. Tascona: Who in the ministry gave you that information?

Ms. Durst: My contacts have been numerous in the ministry, but mostly out of the ministry itself and the Public Appointments Secretariat.

Mr. Tascona: Who in the ministry has been your main contact?

Ms. Durst: I have mostly been in contact with Mr. Gerry Hawes.

Mr. Tascona: Do you know what his position is?

Ms. Durst: Not specifically the title, no.

Mr. Tascona: So you're going to have authority to develop human resource policies and hire and fire staff within the LHIN?

Ms. Durst: Only as it relates to the chief executive officer. The chief executive officer will then deal with their own staffing issues.

Mr. Tascona: Who will set the salary ranges within the LHIN?

Ms. Durst: The salary ranges are established by the ministry.

Mr. Tascona: Do you know that for a fact?

Ms. Durst: I believe that to be the case.

Mr. Tascona: How do you know that?

Ms. Durst: That was part of the information in the briefing session.

Mr. Tascona: So it's your understanding that the ministry will set the salary ranges within the LHIN.

Ms. Durst: Yes.

Mr. Tascona: Who will be responsible for approving individual staff salaries?

Ms. Durst: I would imagine, at the end of the day, that it's the chair's responsibility, subject to the establishment of the structure.

Mr. Tascona: Will the LHIN staff, from the board chair on down, have the power to speak out and advocate on behalf of their LHIN's community and patients, if and when the need arises?

Ms. Durst: Could you please repeat that question?

Mr. Tascona: Are you going to be able to advocate on behalf of your patients, if and when the need arises?

Ms. Durst: I'm not quite sure what—

Mr. Tascona: If a service is needed in your area and the ministry's not being responsive, are you going to be able to advocate on their behalf to try to get that service for your area?

Ms. Durst: Absolutely. I understand that within the planning model, the chair is accountable and responsible to the minister, in terms of bringing issues related to the LHIN and services from that LHIN to his attention. In that regard, not specifically advocating for any one particular patient and any one particular patient's needs, but as it relates to the service model and the delivery of the service model generally, I would expect that to be the case.

Mr. Tascona: If the ministry doesn't listen to you, would you have the ability to advocate outside of the ministry communication line and deal with the general public to get what you need?

Ms. Durst: In terms of a governance role, I don't believe it would be the role of the chair to debate with the minister a decision of the government. However, I believe it is the role of the chair to very clearly state to the minister the local health care planning needs of the community and to assist any individual with mechanisms through which they can advocate for their own case.

Mr. Tascona: Is it your understanding that you report directly to the Minister of Health?

Ms. Durst: Yes.

Mr. Tascona: Do you see the LHINs as a patient management entity or a direct delivery entity?

Ms. Durst: I see the LHINs as a planning model. Service delivery is another issue, as it results from the work of the LHIN.

Mr. Tascona: A planning model for patients?

Ms. Durst: A planning model for service.

Mr. Tascona: For patients?

Ms. Durst: By default, then, for patients, yes.

Mr. Tascona: Have you read the legislation yet that empowers you with responsibilities?

Ms. Durst: As I understand it, there is not yet legislation.

Mr. Tascona: Do you know what your responsibilities will be, then?

Ms. Durst: Yes.

Mr. Tascona: What are they?

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Ms. Durst: I have a broad understanding that the responsibility of the chair is to establish the organization, to populate the board to make sure the board members are in place, to assist in the recruitment and hiring of the chief executive officer, to—

Mr. Tascona: You've been given a document to tell you this?

Ms. Durst: It was all in the information that has been provided to us, yes.

Mr. Tascona: Is that information public knowledge?

Ms. Durst: I believe it is, yes.

Mr. Tascona: Where is it public?

Ms. Durst: My information was received in many of the newsletters and in many of the publications that are on the Web site regarding the LHIN development.

Mr. Tascona: You haven't been given any specific documents on your responsibilities from the ministry?

Ms. Durst: No.

Mr. Tascona: Where is your office for your LHIN position?

Ms. Durst: I do not know that yet.

Mr. Tascona: Are you or have you been a member of a political party?

Ms. Durst: Yes, I am a member of the provincial Liberal Party. But my MPP is a member of the Progressive Conservative Party, and I have assisted her as well.

Mr. Tascona: But currently you're a member of the provincial Liberal Party?

Ms. Durst: Yes, I am.

Mr. Tascona: How long have you been a member?

Ms. Durst: Two years, I believe.

Ms. Scott: How much time do I have, Mr. Chair?

The Chair: Three minutes.

Ms. Scott: I just wanted to ask a little bit more on the background of the area and the health services in that area. There's lots of competition for the resources that you have. We hear a lot of demands in our community. The hospitals are saying they don't have enough money; they only got a 1% increase in the recent budget that was brought down from the government. You've got your CCACs and your long-term-care centres. Can you give us a little bit of an idea of what kind of facilities in your area

will be competing with the LHIN that you're looking after? How do you feel that you can break down, as someone mentioned earlier, the silos that may exist and be more efficient—because you are going to be dealing with a lot of money that's going to be channelled through you—and how that's going to be administered?

Ms. Durst: In the Waterloo–Wellington area, as you might know, and in my role on the resource planning and utilization committee of the St. Mary's hospital board, I have been on the front line, if you will, for the hospital rationalization projects that have gone on in Waterloo–Wellington, particularly between Grand River Hospital and St. Mary's hospital. I am fully familiar with that whole process and how that works. I have assisted with the recommendations and implementation of the Timbrell report, so I have a very good understanding of what is necessary in terms of hospital integration services. I am also quite familiar with the fallout of that integration process and how that works. I have been involved, in my role as current director of human resources for the city, in assisting with the doctor recruitment program, so I'm familiar with that whole process. I'm familiar in terms of the community care access centres, particularly as they relate to the establishment of home support services in a municipality, particularly for the elderly.

So I have a very extensive background and familiarity with the whole concept of the necessary integration and the continuum of health care and where each exists. I also understand the tensions between where each exists on the continuum and getting those tensions to work together.

Ms. Scott: Do you feel there is a willingness in your region that the services become more integrated? There was a period of time when the CCACs and the hospitals were not co-operating with each other. You have a good background in your area. Do you see that there are going to be some challenges there, or is there now a spirit of co-operation? I don't quite firmly believe that. It was commented on earlier that there was public demand for the LHINs.

Ms. Durst: Certainly, on the surface, there's always the appearance of the politics of co-operation. I understand and have worked very closely with the tensions that exist underneath that. But we have had great success in getting through those and having almost everyone's needs in their areas, their professional domains, listened to and reacted to. Everyone does not necessarily get 100% of what they would like through all of these process changes, but if we can get an understanding of what it is we are all trying to achieve and work toward that, it seems that that is coming in our area. It has not been without its pain, but it is coming.

Ms. Scott: Just to wrap up—I'm sorry, I have limited time left—how long were you told that this term would go for, as chair?

Ms. Durst: I don't believe that we were told ahead.

Ms. Scott: So you really weren't told time. Were you told your remuneration?

Ms. Durst: Yes, we were told that the remuneration is $350 on a per diem basis.

Ms. Scott: And you've just really had vague terms of reference that you've seen so far?

Ms. Durst: Yes.

The Chair: We'll move on to Ms. Horwath.

Ms. Horwath: I'm just going to wrap up a few pieces that I thought we should close from some of the previous questioning. We understand that you've been a member of the Liberal Party for a couple of years. Have you ever donated to a political party and, if so, which ones?

Ms. Durst: I belong to the Kitchener Club, which is a speakers group.

Ms. Horwath: No, the political parties.

Ms. Durst: I believe some of the funds of that particular organization go to support the office of Kitchener Centre.

Ms. Horwath: Any direct donations from yourself to a political party?

Ms. Durst: No, none.

Ms. Horwath: Have you ever worked on election campaigns?

Ms. Durst: No, I have not.

Ms. Horwath: I just wanted to follow up on another piece, which is the issue about if there are concerns in the community that you have identified as the chair of the LHIN and you're not getting the response from the minister that would solve that problem. If there were an emerging critical health issue of public concern and the minister was intent on keeping that under the radar, keeping that concern low key, what would your position be? Would you be more likely to keep the information quiet, as the minister would perhaps want, or would you feel obligated to, in your role as chair, make sure that issue gets some public attention, gets out into the public eye?

Ms. Durst: I would definitely not keep the information to myself as chair. I would share the information with the minister in a manner that is prescribed as per the mechanisms for doing such a thing. I'm assuming the mechanisms for doing such a thing would be no different than in my role as chief administrative officer in the city of Waterloo sharing some difficult information with the mayor. Once having shared that information, it would be the mayor's responsibility and the mayor's accountability to do with that information as he would, as it would with the minister.

Ms. Horwath: Do you have any prescribed processes that you've received or been made aware of?

Ms. Durst: No.

Ms. Horwath: So at this point in time there is nothing that governs that type of situation?

Ms. Durst: The only thing that would govern my behaviour and my response in this regard is my 30-year history in that kind of governance relationship at a local level, so I would understand the protocols around that. We have not been given our marching orders with respect to a specific protocol on how to contact the minister on any issue, no.

Ms. Horwath: So just to be clear then, if there were an issue of controversy in the community and the min-

ister didn't want that to become public, then your role as the LHIN chair is to bow to the will of the minister and avoid anything becoming public until the minister decides it goes public?

Ms. Durst: It's my understanding in any governance issue of this nature that once I have carried out my role and responsibility as the chair, it definitely is the minister's decision as to what to do with that piece of information.

Ms. Horwath: So you don't see any direct role of the chair of the LHIN in providing information of a controversial nature to citizens, to communities, to opposition MPPs, for example—just strictly to the minister?

Ms. Durst: I would expect to share information that is shareable, if you will, with anyone. However, in any organization you need a governance model. There is information that is privy to those people whose accountability it is to have that information. I would expect to follow that protocol.

Ms. Horwath: Can I ask what your understanding is of the accountability of the chair of the LHIN?

Ms. Durst: Specifically, or in a governance role?

Ms. Horwath: I would say specifically.

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Ms. Durst: Specifically, at the moment, we are, of course, to set up shop; we are to fill out the membership of our board; we are to start collecting information, collaborating with community groups, introducing ourselves out there and introducing the concept of the LHIN to the broader community. We are to start being, if I could, a sponge in terms of gathering up information, telling people, "We're out here, we're starting. Here's our role, here's what we hope to accomplish, and here's what your participation in all of this process is going to be. Here's what we hope to achieve. Here are the mechanisms for you to communicate with us and for us to communicate with you." I believe that to be the first six months of this job.

Ms. Horwath: OK, then talk to me a little bit about the accountability from the governance perspective.

Ms. Durst: The responsibility from the governance perspective is to make sure that all of the proper administrative procedures and structures are in place so that we can begin our work; as you've alluded to, to establish the lines of communication: what is the protocol between the chair and the ministry and how do we establish that; to, in general, start up a not-for-profit board.

Ms. Horwath: I find this very interesting. I recently had occasion to deal with the ministry on a hospital matter in my own local community and was disturbed to find that there is really no accountability that exists unless there's some issue that they hear about in the media. That is the way it was described to me by one high-ranking bureaucrat: There is no accountability in terms of board governance of hospitals, really, except internally to the hospital. So I find it quite disturbing that this is something that is expected to continue and, in fact, to be reinforced in the LHIN model, from the perspective of this particular interviewee. Nonetheless, I really do appreciate your candid response to the questions.

I wanted to switch tracks a little bit—I'm not sure how much time I have left—to ask you a question that I've asked some of the other interviewees, and that's around the labour movement issues that are arising. The Ontario Federation of Labour and the hospital association have both expressed some concerns about the formation of the LHINs I'm wondering, are you aware of or have you done any research to learn about what those concerns are?

Ms. Durst: Yes, I have, and yes, I am. One of the strengths that I have brought to the position of director of human resources for the city of Waterloo is an intimate understanding of the labour issues in any organization and the relationship with our unionized groups that has been built on collaboration and input. At the end of the day, we were able to make significant changes to work structures and downsizing exercises in the city of Waterloo over the years with input from and in collaboration with the union groups. Indicative of this is that, since I have been the director of human resources in the city of Waterloo, I have received no grievances from fire, and two from CUPE. So I have a history of working very closely with labour groups in terms of change.

Ms. Horwath: Is that it, Mr. Chairman?

The Chair: Thirty seconds, if you have anything quick.

Ms. Horwath: No, I think that's it. Thirty seconds isn't enough time. Thank you very much. I appreciate your responses.

The Chair: To the government side.

Mr. Parsons: No questions, thank you.

The Chair: No questions from the government members.

Ms. Durst, thank you very much for your presentation and your response to the members' questions. You're welcome to stay. We move to the concurrence votes between 11:30 and noon.

SHEHNAZ ALIDINA

Review of intended appointment, selected by third party: Shehnaz Alidina, intended appointee as member, Toronto grant review team.

The Chair: The next interviewee is Shehnaz Alidina. Welcome to the standing committee on government agencies. Ms. Alidina is the intended appointee as a member of the Toronto grant review team, which I think is for the Trillium Foundation. Ms. Alidina, you've been in the audience, so you're welcome to make a presentation about your interest in this position, your background and skills, and all three parties will have an opportunity for questions, beginning with the third party. The floor is yours.

Ms. Shehnaz Alidina: Thank you. I would like to make an opening statement.

Mr. Chairman, members of the committee, thank you for considering me for membership on the Toronto grant

review team. I feel I am well qualified to undertake this role and I would like to offer three reasons:

First, I have the right professional background; second, I have the right academic qualifications; and third, I bring personal qualities that would make me an effective member of the grant review team.

In terms of my professional background, I bring experience leading organizations and networks, undertaking health system planning and reform and consulting internationally and in Canada. As executive director of a district health council in northern Ontario, I oversaw the integration of two councils into a single organization and led the development of health system plans to find local and meaningful solutions to health reform. As executive director of the Child Health Network for the greater Toronto area, I led a network involving 20 hospitals and 10 community care access centres to promote more integrated care for children and families. I have also worked at the international level and have undertaken health reform projects in France, Croatia, Tajikistan and East Africa.

As a result of these experiences, I have developed skills in all aspects of grant review processes, including setting priorities for funding, issuing calls for proposals, developing review processes and criteria and reviewing as well as writing grants. Because grants play such a key role in some areas of health funding, I was involved in writing a guide on reviewing proposals and in giving presentations on effective proposal writing. My experience is that while the list of good proposals seems almost unlimited, the money to fund them is not. Sometimes tough choices have to be made. I believe in a grant review process that is accountable, transparent and fair, because a grant review process that relies on evidence and promotes good judgment will be able to make those choices.

In terms of my academic experience, I bring a bachelor's degree in occupational therapy, a master's degree in health administration and a postgraduate fellowship in health administration.

Finally, in my personal experience, I have always believed in volunteerism and building and strengthening civic society. Throughout my career, I have promoted community development and encouraged members of the community to take charge of their own issues and find their own solutions. As a member of the grant review team, I can promote community development that is both innovative and fiscally responsible.

Based on my professional and academic experience, I believe I am well qualified to assist the team as it makes wise use of the Trillium fund's economic leverage. Thank you.

The Chair: Thank you very much, Ms. Alidina. We'll begin any questions or comments with the third party.

Ms. Horwath: I guess I should start by asking your political affiliations. Are you affiliated with a political party?

Ms. Alidina: No, I'm not.

Ms. Horwath: Have you made donations to any political party?

Ms. Alidina: No, I have not.

Ms. Horwath: And have you worked on any political campaigns?

Ms. Alidina: No, I have not.

Ms. Horwath: OK, thank you.

I wanted to ask a little bit about the issue of advocacy. I'm not sure if you're aware of it, but there's been some controversy over the years at both the provincial and federal levels around whether organizations that are not-for-profit and receive funding from the Trillium Foundation should be able to do advocacy work. I'm just wondering if you are aware of that issue and if you have any opinions on it.

Ms. Alidina: My understanding is that there is a restriction that you cannot apply for grants for advocacy purposes, and that this restriction is consistent with all charities. I think the idea here is to promote the interests of society as a whole rather than any one particular viewpoint. The return is much higher when we do that. I do understand that there are organizations where advocacy is a very important function, and there is no restriction on their being able to carry out their advocacy role, but the purpose of the Trillium grants is not for that. The purpose of the Trillium grants is to have a direct impact on people.

Ms. Horwath: Do you see there being any division between partisan political advocacy and any other kind of advocacy?

Ms. Alidina: Yes, there is.

Ms. Horwath: Can you describe the difference between partisan advocacy and other types of advocacy?

Ms. Alidina: I would need to think that through a little bit more before I could answer your question.

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Ms. Horwath: Maybe I can be a little bit clearer in my question. I come from a history of community activism myself, and know that there are are often systems that require change to be able to achieve broader social values or increase social benefits, and sometimes those systemic changes require individual advocacy of people who are facing systemic barriers. I don't see that personally as partisan advocacy; however, many community organizations would say that their ability to do that kind of advocacy has been severely restricted by government granting requirements. Can you comment on that at all?

Ms. Alidina: I'd need to think about that a lot more. I've expressed my general viewpoints but I would need to think about those separations a lot more.

Ms. Horwath: So you have no comment at all on the situation that I've just raised.

Ms. Alidina: No, I don't.

Ms. Horwath: OK. Let me ask you a couple of questions, then, on the changes to the mandate of the Ontario Trillium Foundation as it relates to both small and rural communities, and libraries particularly. Do you have any knowledge of those changes and can you comment on them?

Ms. Alidina: My understanding is that the smallest municipalities, those with a population of fewer than 20,000 people, can now apply for Trillium grants.

Ms. Horwath: And your opinion on that?

Ms. Alidina: I've had the opportunity to work in northern Ontario for about 12 years and my observation is that the smallest communities are quite disadvantaged compared to large urban communities. There are three things I observed. First of all, they have a very small tax base to draw upon. Secondly, they don't have the ability to fundraise the same way that places like Toronto could. The third is that they don't have organized agencies through which they can apply for this grants form, and sometimes the municipality may be the only organized structure through which they can apply for this grants form. So I think that the funds actually give the tools to small communities through which to participate in broader society.

Ms. Horwath: I noticed in your application your history of a number of different appointments. Why this one now in particular? What drew you to this particular appointment?

Ms. Alidina: I've always believed in the value of volunteerism and building and strengthening civic society. I am familiar with the Trillium Foundation and have seen first-hand the positive impact that the grants program can have. Because I have extensive experience in grants review, I felt it was something I could participate in and make a positive contribution to, for the community.

Ms. Horwath: Do you see that as having any particular bias to any of the sectors, of granting opportunity from you, the history of work that you've done in the community?

Ms. Alidina: No. I would say that most of my background and experience is in the human services area, but I really understand that there are four sectors and would be open to looking at all four sectors.

Ms. Horwath: Do you have any opinion or comments on the ratios of funding, the percentages of funding that each of those sectors obtains from the process?

Ms. Alidina: At the moment, I don't. I have looked at, generally, what the ratios are but I think once I'm more familiar with the Trillium Foundation and have gone through my orientation process I may be able to comment further at that time.

Ms. Horwath: Are there any particular organizations that you're aware of that you think would require special consideration, or is there any kind of group or organization out there that you think needs some special attention at this point in time?

Ms. Alidina: No, I don't. I believe that the minute you have a list of preferred groups you elevate those above the rest, and it means that because there isn't enough funding to go around you may overlook some meritorious proposals. I think that my role, if I were appointed as a member of the grants review team, would be to ensure that there is a fair and transparent process, to ensure that I comply within the foundation's framework and review criteria, and to review each proposal based on its own merits. You can't have a hidden agenda.

Ms. Horwath: Those are all my questions.

The Chair: We'll go to the government members.

Mr. Parsons: No questions.

The Chair: Mr. Milloy looks anxious. Are you sure?

Mr. John Milloy (Kitchener Centre): No, I'm just enjoying the—

The Chair: They're very happy with the presentation.

We'll move to the official opposition.

Ms. Scott: Thank you very much for appearing here before us today. It's kind of a break from the chairs in the LHIN sector, but you have a lot of qualifications, so you could be chair of a LHIN. You do have a very impressive resumé.

I was wondering, are you relatively new to the area? How long have you been here?

Ms. Alidina: I moved to Toronto in 2000.

Ms. Scott: I know it has been a problem, certainly in my riding and all across the province, we need more appointments on the grant review teams. Do you know how many vacancies are on your board right now?

Ms. Alidina: I do not, no.

Ms. Scott: Do you know any of the members on the grant review team?

Ms. Alidina: No, I don't know any.

Ms. Scott: How did you hear about the opening?

Ms. Alidina: I noticed it on the provincial Web site on public appointments.

Ms. Scott: So you were searching for a possible role to fill in public appointments?

Ms. Alidina: Correct.

Ms. Scott: Did you talk to anybody in the ministry?

Ms. Alidina: Certainly. I applied through the Web site, as I mentioned, in January. I did receive communication from the ministry in February that I had been shortlisted. Subsequent to that, in April, I received communication that I had been nominated by cabinet, and then in May, I believe, I received communication that I was to come before the standing committee.

Ms. Scott: The Trillium grants are of great benefit in my area, and definitely in the rural area. They help boost non-profit organizations in their communities and then make them better communities. So it has been a very positive program, certainly in my riding. I know they need more grant review team members there and also across Ontario, so I'm happy to see that they are moving, at however slow a pace, toward filling those.

You're going to the Toronto grant review team. Under the arrangement, you distribute a larger amount of money than any other grant review team in the province. Were you aware that you distribute that?

Ms. Alidina: I was looking at information on the Web site, and, yes, I understand that their funding model is on a per capita basis and therefore Toronto has the largest share.

Ms. Scott: They're based on a per capita allocation of the provincial population, which has a negative effect in my riding, in terms of dollars, so we'd maybe like to see a different formula come up. Do you think that's the fairest way for allocations? Do you think you might like to make some changes in that? Do you think that per

capita is the fairest way to distribute Trillium grant funds?

Ms. Alidina: You raise an important point. I lived and worked in northern Ontario for 12 years, so I understand the issues of smaller communities. I think that I'm too new to comment right now, but once I've had my orientation and participated in the process, I would be able to look at that issue with more information and understanding.

Ms. Scott: There are four categories that receive grants. Do you think that should be expanded? Do you agree with those four categories? I know that you're just researching and are just new, but do you have any comment on that?

Ms. Alidina: At the present time, I've taken the four categories at face value, but as I get more oriented and learn the impact of the grants program and receive feedback, I'd certainly be open to looking at any new information that's coming in. But at the moment, I would not have a comment on that.

Ms. Scott: I want to thank you for appearing here before us today. You have good qualifications, and you'll have our support.

The Chair: Ms. Alidina, thank you very much for your presentation, your interest and your responses to the members' questions. Please make yourself comfortable. We'll move to the concurrence votes in about an hour's time.

KENNETH MORRISON

Review of intended appointment, selected by third party: Kenneth Morrison, intended appointee as chair and president, Central Health Integration Network.

The Chair: Our next intended appointee is Kenneth Morrison. Mr. Morrison is an intended appointee as chair and president of the Central Health Integration Network. Mr. Morrison joins us from Newmarket, Ontario. Mr. Morrison, welcome to the standing committee on government agencies. I'd ask you, if you're interested, to make a presentation about your interest in the position and your background, and then we'll begin any questions that the members of the committee have, starting with the government members. Mr. Morrison, the floor is yours.

Mr. Kenneth Morrison: Thanks for inviting me this morning. I do have a brief statement to make. I think most of my information is in the application form, but I can just give you a few highlights.

I live in Newmarket, as the Chairman said, and I work in the community of North York. I'm a registered professional engineer. I'm president of R.V. Anderson Associates, a consulting engineering practice specializing in environment and infrastructure projects. I've been employed with the firm since I graduated from university in 1972. The work has afforded me the opportunity of living in other parts of Canada and traveling throughout the world.

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I have been a volunteer at North York General Hospital for the past 15 years. I first served on their foundation board and then their main hospital board, of which I've been chair for the past five years. During that time, I've been involved with a hospital merger, a rationalization of services in conjunction with the merger, recruitment of health care executives, community hospital governance models, deficit recovery plans, major capital projects, infectious disease containment and medical staff relationship management.

I'm honoured to be considered for the appointment. I'm available to answer any questions your committee has.

The Chair: Short and sweet, Mr. Morrison. That leaves plenty of time for any questions from members. Any questions from the government members?

Mr. Parsons: No questions, thank you.

The Chair: We'll move to the official opposition, and Mr. Tascona.

Mr. Tascona: Thanks for attending here today. I just have a few questions with respect to this appointment. Do you know what your job is going to be as chair?

Mr. Morrison: We have a basic outline. I think it's not unlike what I've been doing with the hospital in the past five years, basically chairing and providing leadership to the board. We are going to be involved in overseeing the activities of the management or the administration of the LHIN. So I envisage it being quite similar to what I have been doing: recruitment of senior staff and overseeing the development of a strategic plan and implementation of the strategic plan over the period of time.

Mr. Tascona: You report directly to the Minister of Health?

Mr. Morrison: I believe that's the relationship. I think the documents that have been published so far just indicate that I am a spokesperson with the minister on behalf of the LHIN.

Mr. Tascona: Do you know categorically whether you report to the Minister of Health?

Mr. Morrison: Categorically, just what's in the documents on the Web site. So it's how you interpret that. That's my understanding.

Mr. Tascona: You haven't been told that you report to the Minister of Health?

Mr. Morrison: No. No specific individual has been identified other than what's on the Web site.

Mr. Tascona: So you haven't been told who you report to. You're taking your information in terms of what you may be doing as chair from the Web site; is that correct?

Mr. Morrison: Basically, yes.

Mr. Tascona: And you haven't been told anything differently by anyone in the Ministry of Health as to what you're going to be doing?

Mr. Morrison: Nothing beyond what's outlined there. I would say basically what's been depicted there is what I understand of it, yes.

Mr. Tascona: So you don't know who is going to set staff salary ranges and that?

Mr. Morrison: For the staff of the LHIN?

Mr. Tascona: Yes, for the staff of the LHINs. You don't know who's going to set those ranges.

Mr. Morrison: The CEO would generally be responsible for that and accountable to the board for that activity.

Mr. Tascona: You're saying "generally." Do you know specifically who's going to set the salary ranges?

Mr. Morrison: No.

Mr. Tascona: And you don't know who is specifically going to approve individual staff salaries?

Mr. Morrison: No.

Mr. Tascona: Do you know who's going to develop the human resource policies, hire and fire staff within the LHIN?

Mr. Morrison: I assume it's the CEO, but do I know?

Mr. Tascona: I don't want you to—

Mr. Morrison: It hasn't been established yet.

Mr. Tascona: Do you have any knowledge of who's going to create the organizational structure for the LHIN?

Mr. Morrison: No.

Mr. Tascona: Do you see the LHINs as a patient management entity or as a direct delivery entity for service?

Mr. Morrison: It's certainly not a direct delivery entity. And the first you called "patient management"?

Mr. Tascona: Yes.

Mr. Morrison: I'm not familiar with that term.

Mr. Tascona: So what do you see the LHINs doing?

Mr. Morrison: Basically, the functions have been outlined: do the planning of health services in the LHIN, coordinate the provision of health services amongst the providers and ultimately provide some funding allocation and resource allocation functions.

Mr. Tascona: If there's a dispute between what you thought was right for the LHINs in terms of delivering service and what the Minister of Health is indicating to you, if there was a difference of opinion, do you believe that you could raise that issue publicly?

Mr. Morrison: It would probably be similar to the way we handle it on the hospital board. Usually we wouldn't choose to raise the issue publicly unless we thought there was a patient care and safety matter at hand. So I would make my response that way. It would be conditional on what the particular matter was. If we considered it patient care and safety, then I think going to the public when necessary would be part of the LHIN responsibility.

Mr. Tascona: So you're not aware of nor have any knowledge of any directives from the Minister of Health in terms of how you can communicate with the public?

Mr. Morrison: No, nothing's been provided.

Mr. Tascona: Where is your office for the LHIN position going to be?

Mr. Morrison: I don't know exactly. My understanding is it will probably be north of the Toronto city limits, but we haven't been told exactly yet.

Mr. Tascona: Have you read the legislation yet that empowers you with responsibilities?

Mr. Morrison: I don't believe there is any legislation yet.

Mr. Tascona: So you don't know what your responsibilities will be, then?

Mr. Morrison: Under the legislation, no, other than what's been published so far in the public documents on the Web site.

Mr. Tascona: Are you a member or have you been a member of a political party?

Mr. Morrison: No.

Mr. Tascona: Never?

Mr. Morrison: No.

Mr. Tascona: How did you become aware of this position?

Mr. Morrison: In the hospital, we're quite aware of the evolution of LHINs. When the positions were advertised on the Web site, the hospital staff alerted us to the fact they were there and asked any board members or anybody in any sort of stakeholder group to submit their applications if they were interested. So that was the process.

Mr. Tascona: Have you spoken to an elected member of the Liberal government about this?

Mr. Morrison: About this, yes, because again in my hospital role I am—

Mr. Tascona: Who did you speak to?

Mr. Morrison: All of the Liberal MPPs in our catchment area. Part of my hospital role is to keep the MPPs in the catchment area briefed on what's going on in the hospital.

Mr. Tascona: Can you provide names of who you spoke to?

Mr. Morrison: In the past government, it was David Turnbull and David Young. In particular in the current government, it was Monte Kwinter, Dave Zimmer, David Caplan and Kathleen Wynne.

Mr. Tascona: Those elected Liberal government officials, you spoke to them about you wanting to be appointed to this—

Mr. Morrison: No, just in the course of the hospital discussions about what was going to evolve with the LHIN and the concerns of the hospital going forward, being apprehensive as to what LHIN would mean at that time. But that was in the early going.

Mr. Tascona: Do you have any apprehension now?

Mr. Morrison: Yes.

Mr. Tascona: What is that?

Mr. Morrison: I think it's a big role to be performed. It's a brand new organization. I haven't seen any of their business infrastructure yet, so I'm apprehensive that this has a huge amount of responsibility and I'm not aware of all the details of how it's going to be implemented yet.

Ms. Scott: Thank you for coming here today. That is what we've been learning from the proposed chairs who have been before us: that there has not been a lot of information flowed to them as to what their role may be. So you were never told at any time what kind of budget you're going to manage? Have they given you any time?

Mr. Morrison: No.

Ms. Scott: No terms of reference?

Mr. Morrison: Nothing other than what's public.

Ms. Scott: Are you going to report to the Minister of Health? Is that the final minister?

Mr. Morrison: The way it's characterized in the Web site is that it would function as the spokesperson with the minister's office. So if that means reporting to the Minister of Health—I haven't tried to interpret that any other way yet.

Ms. Scott: So they really haven't given you specifics of fiduciary responsibilities or even if you have director's liability?

Mr. Morrison: I haven't seen any policies yet, no.

Ms. Scott: I can understand your apprehension. Do you agree with the evolution of the LHINs?

Mr. Morrison: Yes.

Ms. Scott: You've felt they were needed?

Mr. Morrison: I believe that integrated health care is necessary, and I think this model is an appropriate way to undertake it, yes.

Ms. Scott: You were involved in the North York hospital board of governors regarding the LHINs. What do you see as the main differences between the items as identified with the North York hospital foundation and the priorities that you'll be pursuing for the LHINs? You're going to be from the hospital sector and now you have a large LHIN of integrated health networks to look after. What do you see—

Mr. Morrison: It's actually the hospital board; it's not the foundation. I've had roles in both organizations.

Ms. Scott: I'm sorry.

Mr. Morrison: I think primarily what I see is integration of the different levels of service, from primary care through secondary care and so on, and the opportunity to streamline the communications and the activities between the different levels of health care. That's not what was happening at the hospital board. It's more focused on secondary and tertiary care in the hospital board.

Ms. Scott: OK. In your resumé, I see you've done some work in terms of use of the private sector resources for the delivery of traditional public services. Do you think there's a role in that type of health care delivery in the LHIN and, if so, what areas would you—

Mr. Morrison: I don't know of the specific application it would have in our LHIN. My experience with private delivery of public sector is around infrastructure: water waste, water transportation infrastructure. I haven't really looked at the applicability with respect to health care. I know there's lots of debate going on, including financing and what role the private sector would have around financing and operating and providing facilities. We didn't do much of that at North York General Hospital—we didn't see the need to do it—so we never got into the debate in that way.

1050

The Chair: We'll now move to the third party and Ms. Horwath.

Ms. Horwath: I'm going to actually follow right up on that particular issue. We pulled from the Internet your bio from the company that you're with, and I just wanted to quote it briefly. It says, "Recent experience focuses on issues pertaining to competitiveness and accountability, including use of private-sector resources for delivery of traditional public services."

I'm sure you recognize that small phrase. What is your opinion of privatization in the health services?

Mr. Morrison: As I say, I don't have any experience with that in the health services yet, so I wouldn't say I have a very well-formed opinion.

My experience so far has been in infrastructure, in the water and waste water transportation sector. In that particular case, I do think there is a place for the private sector, and they do perform functions in that sector.

Regarding health care, as I say, at the hospital, we looked at it on occasion for different things—food services and environment services within the building. It was never outsourced or privatized, so in the end, I never had an opportunity to experiment with it or be exposed to it much there, so I don't have much of an opinion.

Ms. Horwath: Just an aside: Interestingly enough, I'm from the city of Hamilton, and we've had quite an experience in water and waste water privatization. I wouldn't necessarily agree with your opinion on that, but that's fine.

You do mention that you know that there's quite a debate currently around the privatization of health services, but at this point you're saying you have no opinion at all on that issue.

Mr. Morrison: I have nothing that I would offer as a clear opinion, no.

Ms. Horwath: Some people feel that the LHIN structure is going to move to require separation of services between purchasers and providers of health care services, so that there will perhaps be consolidation of, for example, food services or housekeeping services. They won't be separate to various organizations, but they will be consolidated and separated out from the provider of health care services. Do you agree or disagree with that?

Mr. Morrison: I haven't heard that theory or that proposition put on the table anywhere.

Ms. Horwath: You've not heard of that at all?

Mr. Morrison: No.

Ms. Horwath: Can I ask, then, if you have any understanding of or if you have done any research on some of the concerns that are coming out from organizations such as the Ontario Federation of Labour and the Ontario Hospital Association around the LHINs?

Mr. Morrison: I've had a little bit of exposure to the Ontario Hospital Association, the main one being the clarity-of-role issue. They would like to have more clarity-of-role definition between the LHIN and the hospital. I haven't been exposed to any of the labour group's perspectives on it.

Ms. Horwath: Initially, you talked a little bit about integration in your comments. Some people would say that the word "integration," in their experience, particu-

larly in the health care sector, is really a code word for layoffs and service cuts. There's a real concern out there that there's going to be a significant threat to support services and clinical services, particularly in smaller communities, and also that community control at the smaller community level is going to be significantly lost. Do you have any assurances that that's not the direction in which you would see yourself going as chair of the LHIN?

Mr. Morrison: You're talking about the clinical services?

Ms. Horwath: I'm talking about all of the services, not just clinical. There's more to health care provision than just clinical.

Mr. Morrison: I haven't perceived from the information provided so far that there was to be a cut in services or a reduction of people. I think my experience from the hospital is that we actually need more people in the system, that we're in danger of not having enough nurses and enough doctors. I know, from my own experience, the hospital administration staff is a group that's very overworked and thin too. So I haven't had that proposition put that this was about downsizing organizations in that way.

Ms. Horwath: So what would your vision be for an integrated health system? What does that mean, in your opinion?

Mr. Morrison: In my opinion, I guess I'd focus mostly on the clinical side, the movement of patients through the primary care system and secondary and tertiary and then into home care or seniors-type facilities, that there would be a smooth movement and that that movement is facilitated by the system, as opposed to the way I think it comes across to people now, where each movement is an obstacle that they struggle with.

It starts with the primary care people, the family doctors out in the communities. They are the gateway to the system. Making sure that those people get some relief from their workload or management of their workloads—I think the family health teams are a good start at that, but that's really, as I see it, the gateway to the system and that's where we need to start working: making life easier for those folks and making it easier for them to move patients through their offices and into the other parts of the system when required.

Ms. Horwath: I wanted to follow up a little bit on the issues of communication, particularly on controversial issues. I think you indicated clearly your perspective on that in the previous questioning, but I'm wondering how you would respond to the suggestion that LHINs are simply a way of insulating the minister from any problems that are arising as we go through the restructuring process.

Mr. Morrison: I would hope that's not the intent of it. I obviously think that the minister still has a major responsibility and accountability for health care in the province. So as a person going into that role, I would hope that my role is not there to insulate the minister from those issues. I perceive the role as being one where there is more representation right in the community for the overall planning and coordinating. I'd be disappointed if that scenario unfolded.

Ms. Horwath: I wanted to ask one last question around your particular experience being from the hospital sector and how you see that helping or hindering your ability to obtain the trust, if you will, and to develop the relationships that are required across the entire sector. Can you speak to that a little bit?

Mr. Morrison: I suspect that there could be some people who would perceive that the hospitals are at the top of the food chain and many other parts are lower down, and so that my experience, my exposure, my knowledge may be more based at that level.

If you know North York General Hospital at all, it's got the largest family practice in the province based there. We have a lot of family doctors. It's very focused on primary care. We have a seniors' health centre associated with that facility, so we're very much involved with care of the elderly. We have a lot of outreach programs from the hospital going into the communities to support the CCAC activities, the home care activities and education for patients with problems.

I would hope eventually, as that experience started to become evident, that I would make people feel comfortable with my background in that respect. I do feel that the home care and the care that the CCACs and the family doctors provide is the gateway to the system. If we're going to make the system work better, it's got to start there. Part of my aspiration is to make sure that they understand that and are convinced of it.

Ms. Horwath: Do you have any particular strategies in mind to try to reduce any perceived bias or any problems that might arise?

Mr. Morrison: My experience so far is just being available to people and going out and listening to people and having some understanding of their issues. That's what I've found so far in the hospital. If I can demonstrate that, then we can build up some trust and work on it, so that's what I'm going to try to do.

Ms. Horwath: Do I have any—

Interjection.

Ms. Horwath: Just another minute or so? Well, you know what? I think that's pretty much covered it, Mr. Chairman. I have a few others, but I'll leave it.

The Chair: Mr. Morrison, thanks for the presentation and your responses to the members' question.

Mr. Morrison: That's it?

The Chair: We'll move to the concurrence votes after the next interview, so you're welcome to stay.

MINA GROSSMAN IANNI

Review of intended appointment, selected by third party: Mina Grossman Ianni, intended appointee as chair and president, Health Integration Network of Erie St. Clair.

The Chair: Next we'll call forward Mina Grossman Ianni. Ms. Grossman Ianni is an intended appointee as

chair and president of the Health Integration Network of Erie St. Clair. She joins us all the way from Amherstburg, Ontario, this morning. A bit of a drive.

Ms. Mina Grossman Ianni: Good morning, everybody.

The Chair: Welcome to the committee. Ms. Grossman Ianni, you have an opportunity to make a presentation about your interest in the position, your background and skills, and then all three parties have an opportunity for any questions, beginning with the official opposition. The floor is yours.

1100

Ms. Grossman Ianni: Thank you. Mr Chairman and committee members, I'm appearing before you today as a nominee for the chair of the Erie St. Clair local health integration network.

I believe you have a copy of my curriculum vitae in front of you. You will note that I have had several careers, the major one being in broadcasting, where I occupied functions from copy editor, reporter, producer and finally manager or director of programs. This broadcasting career was very varied in that in took in radio and television at the local and national levels, both English and French networks at the CBC. It also allowed me to familiarize myself with all the major issues of public policy at the time. It was more of a passion than a career. It also introduced me to the fascinating world of Franco-Ontarian communities and their history in our province.

The CBC is a large and complex organization, as you know, and I learned a great many things that I have used in many of my other activities and I just have found all the training to be extremely transferable. I participated in one of the re-engineering exercises undertaken by senior management as a representative of the Ontario region. While I was a producer, I was a member of a national committee establishing new producer evaluation materials for the corporation. I sat as a management representative on the national CBC-CUPE negotiating team. And as a director of programming for both Windsor and, for one year concurrently, the Toronto French radio station, CJBC, I supervised all local programming and network contributions with teams of about 30 employees in each place. I also interacted with other segments of the corporation which provided services. So I'm very accustomed to working with people in co-operative ventures and I love working in teams.

I left the CBC in 1997 to care for my ailing husband, who died a few months later. I then undertook the job of managing the Windsor Symphony Orchestra, which was in dire financial and administrative straits. I was able to effect a major turnaround in three years, working with an effective board of directors, setting goals, strategic directions and recruiting an effective team. The orchestra doubled its ticket sales, doubled its fundraising, doubled its grants from various levels of the public sector, doubled its budget, increased programming, especially in the fields of outreach, education and family programming, and is generally recognized as a great success story in Canada. It's won numerous awards.

In 2001, I presented a restructuring plan to the board of directors of the Windsor Symphony Orchestra which contained a succession plan for promotion from within the organization. I undertook a part-time director of development position, which is a fundraiser—that's basically what I do—a position I still hold today and I intend to maintain during my term, if I am so designated as chair of the LHIN board.

Parallel to my professional career were positions on various boards—national, provincial or local in scope. I have quite a bit of experience with issues of governance from my time as a member of the Green Shield Canada board, a not-for-profit, pre-paid medical service company. I chaired several committees during my mandate as a member of the board of the Ontario Arts Council. I'm the chair of the governance committee of the National Gallery of Canada. I have served on several other boards and committees, including being part of the first group of public members on the College of Family Physicians of Canada.

I believe that the reorganization of the health care system is a major step forward, to say the least. We will have learned many lessons from the other provinces and jurisdictions which have already instituted similar reorganizations. I'm excited by the prospect of making a contribution to the success of the transition. I believe I have people skills, proven organizational abilities, public relations experience and many contacts in various communities.

I would be pleased to answer any questions you may have to the best of my abilities.

The Chair: Great. Thank you very much for the extensive presentation. It's much appreciated. We'll have any questions from the members, beginning with the official opposition.

Mr. Tascona: Thank you for coming here today. Did you have a pleasant ride from Windsor?

Ms. Grossman Ianni: Yes. It was easy and I got to see a brand new grandnephew.

Mr. Tascona: Good. I just want to ask you a few questions on this. Do you have any actual knowledge of what you're going to be doing as the LHIN chair?

Ms. Grossman Ianni: I have the same knowledge as everyone has, in that I have received the materials. I've gone on the Web site, so I know that I'm going to be with the board, certainly not by myself, and with a staff and with a lot of consultation from stakeholders, I will be participating in the planning, coordination, integration and, eventually, funding of health care as it's provided for the groups specified.

Mr. Tascona: You report to the Minister of Health, I understand?

Ms. Grossman Ianni: That's what I understand too.

Mr. Tascona: But neither the minister nor someone from the Ministry of Health says, "This is exactly what you're going to be doing"?

Ms. Grossman Ianni: No.

Mr. Tascona: And neither the minister nor Ministry of Health officials have told you, "This is how you're

going to do your job; this is what we're going to do with the LHINs"?

Ms. Grossman Ianni: They've said that they expect a great deal of community engagement. How we do that community engagement has not been specified.

Mr. Tascona: Dealing with the development of the organizational structure, at this point in time, there's no structure at all, is there?

Ms. Grossman Ianni: No.

Mr. Tascona: And there are no employees, are there?

Ms. Grossman Ianni: No.

Mr. Tascona: In dealing with the physical location, there's no actual office location, is there?

Ms. Grossman Ianni: No.

Mr. Tascona: You understand, and I think the other people we've talked to today understand, that there's no legislation at this point in time as to what the LHINs will be doing and what their mandated powers are. Does that leave you with any apprehension, in terms of what you're going to be doing?

Ms. Grossman Ianni: It leaves me with a little bit of excitement about it, because I think we're founding something. So whenever you're founding something, you don't want to have everything all dictated in advance. The fact that there is no legislation, I understand, is not a precedent. There have been other very prominent organizations established the same way, so we have a little history in that way.

Mr. Tascona: Not to interrupt you, but the thing is that you've got a fairly major role as chair.

Ms. Grossman Ianni: I know.

Mr. Tascona: There's no apparatus in place, and here you are assuming the responsibility, subject to the review of the board today.

Ms. Grossman Ianni: Right.

Mr. Tascona: Have they told you about what, if any, liability you would have as chair in taking over an organization such as this?

Ms. Grossman Ianni: No.

Mr. Tascona: Does that concern you?

Ms. Grossman Ianni: I think it's something that we can work out. Just because one has a concern doesn't mean it's a major obstacle.

Mr. Tascona: Liability might be a major concern, in terms of whether there's insurance in place to protect the chair and the board of directors.

Ms. Grossman Ianni: I don't know that now, but I'm sure that these are things we will be discussing. Don't forget, I've dealt with boards. The people who sit on the board of the Windsor Symphony Orchestra know about liabilities. These are things that are overcome.

Mr. Tascona: Yes, and you're aware of that because of the laws changing. I want to ask you a question. There was a Mr. Ianni who was the dean of the Windsor law school.

Ms. Grossman Ianni: No, he was the president of the university. He was a dean, and then he was also the president, and he's the fellow that I said died in 1997.

Mr. Tascona: Sorry about that. He was very well respected.

Ms. Grossman Ianni: He was.

Mr. Tascona: Two of my in-laws went to the University of Windsor law school when he was there, I believe when he was dean.

Ms. Grossman Ianni: And it bears his name. It's called the Ron W. Ianni Faculty of Law at the University of Windsor, of which I'm very proud.

Mr. Tascona: That's right. Yes, he was very well respected and made a tremendous contribution to the city of Windsor.

Ms. Grossman Ianni: One of the reasons I thought to do this is because I know that if he were around, he would be involved in some way. I'm following a very good example of service to the community.

Mr. Tascona: Your record is certainly very active. I notice you're a member of the Rotary Club in Windsor. I'm a member in Barrie. That's a very active role.

I just have one final question, and we always do this: Are you currently a member of any political party?

Ms. Grossman Ianni: I'm not.

Mr. Tascona: Have you ever been a member of the Liberal Party?

Ms. Grossman Ianni: No.

Mr. Tascona: No?

Ms. Grossman Ianni: No.

Mr. Tascona: OK. Thank you.

Ms. Scott: Thank you for appearing here today, and congratulations on the 2005 Woman of the Year awarded by the Women's Incentive Centre.

Ms. Grossman Ianni: Thank you very much.

Ms. Scott: That's a great honour to add to your other accomplishments and the impressive resumé that you have.

We've been asking a lot of questions about the structure and the knowledge that you've had. It is a big job that you're going to be taking on. I noticed in your resumé that you are a member of the board of directors of the College of Family Physicians of Canada.

Ms. Grossman Ianni: I actually have resigned.

Ms. Scott: Have you resigned now? OK. That was one of my questions. They don't have a great history of always agreeing with the Ontario Medical Association. So do you think this involvement would cause any difficulties in your ability to function as a LHIN chair?

Ms. Grossman Ianni: I personally don't think so. I thought they were a very interesting group. I learned a lot and it was a lot to take in. Their major function is education. I know they do take advocacy positions on important issues to the family doctors of the country; I was on the Canadian board. But I don't think so, because this is a brand new organization and I certainly do have a lot to learn. I will be listening to a lot of people and getting a lot of input from all areas, and I will endeavour to be very open. I really don't have that many preconceived notions.

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Ms. Scott: You have involvement certainly in health care, not as high an involvement, maybe. Do you know a lot about the health care systems within your communities? I know you have strong community involvement, but the health care system is very demanding—

Ms. Grossman Ianni: It is.

Ms. Scott: —and very complicated. We've heard a lot of discussion on how it functions and some comments that LHINs may be able to function better than the DHCs did. Do you have any comments, in your area specifically, of where some challenges lie?

Ms. Grossman Ianni: I was following what was going on in the health care system through my involvement in the media, and I'm still following it today because I think in our area, if I'm not mistaken, we're quite well advanced at integration. There's been a great deal of work done. We were one of the first areas to voluntarily go ahead with hospital amalgamation, if you want to call it that. So from four hospitals in the Windsor area we went to two, and there's still the Leamington hospital in Windsor itself. I know a little bit less about the situation in Chatham and Sarnia, because although if you look at the map, Erie St. Clair is one of the smallest areas in Ontario, it still takes in from Grand Bend right down to Pelee Island. So there are some areas where I know a little bit less, for sure, but I certainly am interested in learning more. But in the Windsor area they've done, I know, a great deal of work already and there's a great deal of progress made. We are still one of the most underserviced areas.

Ms. Scott: One of our orthopaedic surgeons from Lindsay's Ross Memorial Hospital has gone down to Chatham. He's an excellent orthopaedic surgeon.

Ms. Grossman Ianni: Right. I heard about that.

Ms. Scott: Yes, Dr. Stone.

I have the largest LHIN, and we certainly have challenges with urban and rural doctor shortages, so I'm sure—

Ms. Grossman Ianni: Doctor shortages: This is an area which I have never understood. Our area there—I don't know why the perception of it is how it is, but it's one of the most beautiful areas in the province to live. It's totally accessible and has so many advantages, and yet recruiting doctors is a big deal. The Windsor Symphony Orchestra has been participating with a recruitment team and bringing doctors to orchestra concerts and things like that.

Ms. Scott: I'm on one of those committees myself to try to entice more doctors to my area, so I guess we'll be competing in that way with each other.

Were you given a term of contract? Did you say how long you might be appointed to this position as chair?

Ms. Grossman Ianni: I have not. I had a feeling it was three years, but I was looking through materials and I don't know why I had that feeling. It's just that three years seems to be a—

Ms. Scott: Did they say what the time commitment may be? Is it a full-time job? It's how much per diem?

Ms. Grossman Ianni: They certainly said there would be a lot for the chair to do in the first year, but they understood that I am going to continue with my position as the fundraiser at the Windsor Symphony Orchestra, which is a part-time position. I'm paid part-time. I work a little bit more than that, of course, but I think I'll be able to juggle the two because it's not a full-time job. Everybody did emphasize the great time commitment.

Ms. Scott: I'm sure there will be, especially since there are no terms of reference or specifics that are given to you. This will be a challenging job, so I wish you all the luck in it.

Ms. Grossman Ianni: Thank you very much.

The Chair: To the third party, Ms. Horwath.

Ms. Horwath: Welcome. I know that you worked with the College of Family Physicians. What other health care sector experience and knowledge can you bring to this position?

Ms. Grossman Ianni: I was on the board at Green Shield Canada, which is a pre-paid, not-for-profit medical services company, but that's about it, specifically in the health care area.

I could stop there if you have other questions.

Ms. Horwath: No, that's OK. Feel free.

Ms. Grossman Ianni: The description showed that they were looking for people from various sectors. What I don't bring in health care, I bring in management skills and in communications and—

Ms. Horwath: I recognize that completely. Absolutely. I do see all of those experiences and I know that they are very, very important in this particular role. But I guess one of the things that I'm wondering if you would help me with is, as you move forward in your role as chair, not having perhaps in-depth experience of the health care sector itself, and understanding that restructuring and integration means moving of resources and competing of interests and those kinds of things, do you see your—and I don't mean this in a derogatory way—lack of engagement in that sector as a benefit or a detriment to juggling all of those interests and those potential conflicts? Then, in expansion of that, how do you think you are going to be able to handle that?

Ms. Grossman Ianni: I've thought about that, obviously. I think it could be either, depending on how I do the job, how I am received and how the communication goes, because I think fresh eyes are a really important thing. Of course, I have been a consumer of health care, as everybody has, not just for my husband but also for my parents, and so I'm quite familiar with the whole piece on seniors and home care as a client. I think I can bring a perspective.

At the same time, I have a « recul », a perspective, that maybe others don't have. I think I bring a whole other set of skills. And there will be a lot of people on this with me—I'm not a one-person operation here—who will bring that other set of skills that maybe I'm not as strong in.

How will I do it? I'll do it the same way I've always gone about my affairs, in that I will look to the best

people around me. I will listen to the people who are involved. I know most of the players in the various areas. I've met them under different circumstances. So I will work at that whole planning piece. It's very important in allowing people access to me and to the other members of the board and to the staff eventually. I will try to look at all the information—I really love to get as much information as I can about anything—and then we'll have to see.

Ms. Horwath: OK. You mentioned, in some of the earlier questioning, physician shortages being an issue. What would you say are some of the other major health care issues facing the LHIN?

Ms. Grossman Ianni: I read some of the documentation. I went on the site and saw the consultations that took place and heard what the people were saying. There are no real secrets there: the integration piece, working together, partnerships, making sure that we're using the resources the best way possible. Patient-centred is another issue that everybody is concerned about, thinking about the patient as the central piece in the whole system. There are other issues, like care for seniors. Mental health services are really in dire straits in our area, especially for children. And there are women's health issues as well.

Ms. Horwath: I'm wondering, if you were looking at your LHIN right now, who would you identify, maybe not by name but certainly by organization, as the major players in the health care system?

Ms. Grossman Ianni: The major players in the health care system?

Ms. Horwath: In your LHIN.

Ms. Grossman Ianni: The hospitals for sure; the CCAC. I think those are the two major ones, but then there are the various agencies that provide services to seniors and to the mental health issues.

Ms. Horwath: The support services.

Ms. Grossman Ianni: Support services.

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Ms. Horwath: I wanted to ask you a little bit about your knowledge or understanding of some of the controversy around the LHIN proposals. I've asked the others, so if you've been here, you've heard this question already. The Ontario Federation of Labour and the Ontario Hospital Association have both expressed some concerns about LHINs. I'm just wondering, do you have any awareness of those concerns, or have you done any research into those areas?

Ms. Grossman Ianni: Not very much. I have an awareness. Of course, whenever there is a change happening and we talk about integration, it's a normal reaction, especially on the part of the people who are working. But as far as I can see, there has been an expressed intention not to make it a way to get rid of people in the system and to respect all the master agreements and collective agreements that are in place. There are memorandums of understanding that are going to be happening.

So I think I do understand maybe the insecurity that arises as a result of an announcement of change, but this LHIN, I believe in it. I believe that we can organize services better at a local level. Something had to be done. The population has certainly expressed a desire. So I think it's a really great thing that we're trying something, we're evolving. I also like the idea that things can evolve. Even some of the boundaries of the LHINs have been changed as a result of consultation. So that shows a responsiveness to concerns of people. I think it's wise to be vigilant, but I think nobody should prejudge right now.

Ms. Horwath: In some of the other interviews today we got into the area of the privatization of health care services. That's quite a controversial issue that's been vocally debated in many ways across the province. I'm wondering if you have any opinion about the privatization of health services in particular or any concerns.

Ms. Grossman Ianni: Well, I'd rather not express too much of an opinion on those things. Now in my prospective role, I'd rather see what's going on and not just be anecdotal about it, because that's all it would be right now. I'd really like to reserve judgment on that.

Ms. Horwath: So you have no opinion one way or the other, or you're not prepared to divulge it at this point in time?

Ms. Grossman Ianni: It's not a question of divulging; it's just that my knowledge is based on personal experience and anecdotal experience, and now I'm embarking on this other thing, and I'm going to get into it in a deeper fashion. I don't think it would be useful right now to get into it. The fact is that certain of our health benefits have been privatized, or we have to pay for them now, if that's what you mean. Is that what you mean?

Ms. Horwath: No, I wasn't talking particularly about the health tax. That's not where I was going—

Ms. Grossman Ianni: I'm not talking about health tax; I'm talking about having to pay for certain things that maybe you didn't have to pay for before.

Ms. Horwath: Oh, the delisting of services.

Ms. Grossman Ianni: The delisting of services.

Ms. Horwath: No, I was thinking more about the CCACs, for example, the previous government's initiative to basically contract out those services or to create a system of bidding on those contracts and thereby the proportion of private sector delivery went extremely high during that process.

Ms. Grossman Ianni: I understand that. There was a great deal of controversy in Windsor over the bidding process. I didn't follow it that closely, I do have to say. In general, I'm in favour of a little competition.

Ms. Horwath: OK. One last question, and that's around the issues, again, that have been explored in other interviews around the role that the LHIN chair will have in regard to communication of controversial issues. As a chair of the LHIN board, if there was something controversial that was coming out of your community and the minister would prefer that that not be a public issue, do you see any obligation in your role as chair to make

public or to raise in the public realm issues of controversy?

Ms. Grossman Ianni: If it's controversy, it'll be out there already. There will be issues that will be out there that—I mean, it will be there. I'm not sure I understand the question.

Ms. Horwath: Oftentimes in the health care sector, particularly considering the whole restructuring aspect of this initiative, there might be areas where the minister would prefer that information not flow publicly, yet there might be a need for a community to understand what's happening because the outcome will affect them one way or the other. As chair of the LHIN, how do you see yourself coming down on that?

Ms. Grossman Ianni: First of all, I think in an organization like the LHIN, there will be very few secrets. I think things will come out, and I think the obligation of the LHIN is to act in the public interest, so we'll just have to see.

The Chair: We'll now move to the government members.

Mr. Parsons: We have no questions.

The Chair: Ms. Grossman Ianni, thank you very much for your presentation and your responses to the members' questions. You're welcome to stick around as we move to the most exciting part of the agenda, the concurrence votes.

In the order that they appeared before the committee, we will now consider intended appointments.

The first is the consideration of the intended appointment of Penny Thomsen, the intended appointee as chair and president of the Health Integration Network of Toronto Central.

Mr. Parsons: I would move concurrence.

The Chair: Is there any discussion with respect to Ms. Thomsen's intended appointment? Seeing no discussion, all in favour? Any opposed? It is carried. Congratulations to Ms. Thomsen.

We will now consider the intended appointment of Juanita Gledhill, intended appointee as chair and president of the Health Integration Network of Hamilton Niagara Haldimand Brant.

Mr. Parsons: I would move concurrence.

The Chair: Is there discussion? Seeing no discussion, I'll move the question. All those in favour? Any opposed? It is carried. Congratulations to Ms. Gledhill.

We will now consider the intended appointment of Kathryn Durst, intended appointee as chair and president of the Health Integration Network of Waterloo Wellington.

Mr. Parsons: I move concurrence.

The Chair: Any discussion?

Mr. Milloy: On a point of order, Mr. Chairman: Could I just put on the record that I'll be abstaining from this vote?

The Chair: Certainly. Any other discussion?

Mr. Tascona: I'd like to know why he's abstaining.

The Chair: Further debate, Mr. Tascona? Any other comment or debate on Ms. Durst?

Mr. Tascona: If you're going to abstain from something, there's got to be a reason. I think we are entitled to know. It's a public record.

The Chair: Any other comment or debate?

Mr. Tascona: Are you going to ask him why he's abstaining?

The Chair: No. This is the debate point. If the member wants to enter debate or not—

Mr. Tascona: If he's going to abstain from something, I can only assume there must be a conflict of interest.

The Chair: I think the members know the rules. They can vote for, or they can oppose, or they can abstain from a vote at committee. It's up to the members to enter into debate as they see fit.

Any other comments or questions? I'll move the question. Again, I'll remind members this is Ms. Durst for the Health Integration Network of Waterloo Wellington. All those in favour? Any opposed? It is carried. Congratulations to Ms. Durst.

We'll now consider the intended appointment of Shehnaz Alidina, intended appointee as member of the Toronto grant review team.

Mr. Parsons: I move concurrence.

The Chair: Mr. Parsons is on a roll and moves concurrence. Any discussion? Seeing none, all those in favour? Any opposed? It is carried. Congratulations to Ms. Alidina.

We will now consider the intended appointment of Kenneth Morrison, intended appointee as chair and president of the Central Health Integration Network.

Mr. Parsons: I move concurrence.

The Chair: Mr. Parsons ends the suspense and moves concurrence. Any discussion? Mr. Berardinetti?

Mr. Lorenzo Berardinetti (Scarborough Southwest): Pardon?

The Chair: I just saw your hand.

Mr. Berardinetti: I was voting in favour.

1130

The Chair: Thank you. Is there any—

Mr. Berardinetti: I was considering whether or not to abstain from the vote, but—

The Chair: Obviously you feel very strongly about Mr. Morrison's appointment. We appreciate that, as does Mr. Morrison.

Any further discussion on Mr. Morrison's appointment? I'll call the question. All those in favour? Any opposed? That was carried. Congratulations to Mr. Morrison.

We will now consider the final appointment today, the intended appointment of Mina Grossman Ianni, intended appointee as chair and president of the Health Integration Network of Erie St. Clair.

Mr. Parsons: I move concurrence.

The Chair: Mr. Parsons moves concurrence. Any discussion?

Mr. Tascona: This is not directed at this particular candidate per se, but I want to make a comment for the record with respect to all of the appointees who were

before us today. None of them had any knowledge of what they were going to be doing, how they were going to be doing it and what their specific role was in terms of dealing with these LHINs. The fact also remains that there is no legislation in place to put in place the LHINs.

Notwithstanding that they're all people who come from different walks of life, the fact remains that what they put forth today and what we reviewed wasn't very helpful to this committee, other than knowing about their personal backgrounds, as opposed to questioning them as to what they were going to be doing and how the LHINs were going to be operating, which is very frustrating to the members of the opposition, I believe, and makes this exercise far less useful than it was intended to be. That's all of my statement.

The Chair: Thank you, Mr. Tascona. Any further debate on the appointment?

Mr. David Orazietti (Sault Ste. Marie): I call the question.

The Chair: Seeing none, Mr. Orazietti calls the question. All those in favour? Any opposed? Very good. It is carried. Congratulations to Ms. Grossman Ianni.

COMMITTEE BUSINESS

The Chair: Folks, as you'll remember from the beginning of the session, we do have some other business to get to, beginning with the revised report of the subcommittee on committee business dated May 5, 2005. I understand that there may be some motions. There are some potential motions to amend, if I'm correct?

Ms. Scott: No.

The Chair: No? OK. Then any debate on the revised report of the subcommittee on committee business dated May 5, 2005?

Seeing no discussion, all those in favour of its adoption—

Interjection.

The Chair: There were no amendments—thank you to the clerk. That has already been passed by the committee.

We'll move to other business in general. Any other business that members have to bring before the committee?

Mr. Tascona: There are two items. The first involves the certificate from the Premier, his letter of May 20, 2005, which is a memorandum to the clerk re order-in-council appointments to the agencies which received cabinet approval on May 18.

One of those was a person by the name of Sandra Jane Campbell, the Greater Sudbury Police Services Board appointment. I want to bring to the attention of the committee that her order-in-council certificate did not appear until May 20, yet in the Sudbury Star it's reported on May 3, 2005, through a press release, I believe issued by Sandra Campbell. I'll read it:

"Sandra Campbell, the manager of communications at FedNor, has been appointed to the Greater Sudbury Police Services Board. The lifelong resident of Sudbury began her broadcasting career at MCTV. Board chairman Eldon Gainer welcomed Campbell, saying, in a press release, she 'brings a wealth of experience and community involvement to the board.'"

This is May 3. She wasn't put forward until, from what we can see, she received cabinet approval May 18, 2005. I would like the Chair to write to Management Board to find out how this happened and for them to investigate it so that we know what's going on.

The Chair: Any comments or questions? Any further debate on the item?

Mr. Tascona: I have another matter, Mr. Chair, and it deals with your letter of April 5 to Debra Roberts at the Public Appointments Secretariat and her letter of May 27, 2005, which is to you. There are a couple of areas, and they centre around the personal and conflict-of-interest disclosure statement, which was initiated by the government in January 2005.

Your letter of April 5, 2005, posed three inquiries. The first one, in the first paragraph, was, "The committee requested that I inquire whether or not it would be possible for the committee to receive a form from the Public Appointments Secretariat confirming the successful completion of the screening process and outlining whether the individual agreed to a screening check and what checks took place."

The response that you were given by Debra Roberts, in the third paragraph of her letter, is that she states, "With respect to providing the committee with an additional form, the Public Appointments Secretariat will continue to follow the reporting requirements as set out under the current standing orders of the committee."

Now, I would put that to our clerk. I don't know what she's saying there, and I don't know what that means. We do get provided with the resumé, but we don't get provided with the entire form. We continue not to be provided with that complete form, though Debra Roberts did provide us with the entire form as an attachment to the May 27, 2005, letter. That's my first question: I don't know what she means by that. Is it saying that in the standing orders we're limited to only receiving a certain type of document? Maybe the clerk could explain.

The Clerk of the Committee (Ms. Susan Sourial): According to the standing orders, 106(e)1, they are only asked to provide a copy of the position description, a summary of the person's qualifications and the certificate of intended appointments.

Mr. Tascona: So your interpretation is that all they're going to provide is what the standing orders would indicate.

The Clerk of the Committee: Right.

Mr. Tascona: I'll go back to the letter. The Chair also posed two questions, arising from two other issues that were raised in his April 2005 letter. She never responded in the May 27, 2005, letter at all to those two other issues and I would ask the Chair perhaps to review the correspondence. If he feels, in his wisdom, that she never did do that and feels that he should write again, that would be something that I think would be proper to get a proper

response from her to all the issues that were raised in your letter.

She did not respond to those two issues, one where you state that "Mr. Tascona, MPP, Barrie–Simcoe–Bradford, indicated that the previous government had a policy not to appoint people who were in arrears on their child support payments to government agencies, boards or commissions. Is the current government continuing with that policy?" She doesn't respond to that.

The second part had to deal with a particular individual: "The Public Appointments Secretariat provides the committee members (via the committee clerk) with a copy of the resumés of the intended appointees. Mr. Vance Badawey, intended appointee as member, Regional Municipality of Niagara Police Services Board, appeared before the committee on Wednesday, March 30, 2005. In response to a question, Mr. Badawey stated that he had included his candidacy in the 2000 election on his resumé under 'Summary of Achievements'; however, the version of his resumé received by the committee members did not include any reference to Mr. Badawey's participation in the 2000 election. The committee felt there was 'some lapse in information between what's submitted and what we're getting.'"

That wasn't responded to, either. So that would be something I would be looking for.

The Chair: The last paragraph of the letter does respond to the issue with respect to Mr. Badawey. Your first point, though, is well taken, and I'll review the letter.

Mr. Tascona: But she says, "With respect to Mr. Vance Badawey, the Public Appointments Secretariat provided the committee with the information that the secretariat received from Mr. Badawey in his application for an appointment to the Regional Municipality of Niagara Police Services Board."

So we've got his testimony and we've got what we felt we had. There's a conflict there. I can only assume that he had a different version of his resumé when he was testifying here versus what we were provided. That's the only assumption I can make, unless they can offer something more to that. But they're not really conclusively saying that the resumé that we were provided did include that information on it under "Summary of Achievements," so it really hasn't been responded to.

The Chair: Further comment or debate?

Mr. Parsons: I read the last paragraph somewhat differently. I read it understanding that they passed on the information they received.

The Chair: Mr. Tascona, you have more points?

Mr. Tascona: The final point is with respect to that May 27 letter. I'm not asking for Mr. Parsons's interpretation. I just want to make sure I've got the right documents.

Halfway through the second paragraph it says, "The type of screening check conducted is outlined on pages 5 and 6 of the personal and conflict of interest disclosure statement (attached). No screening check can take place unless the intended candidate has given permission for the check to be conducted."

I go to page 5 of that form, under the title, "Personnel Screening Checks." In the second sentence of the first paragraph it says, "Applicants must receive a personnel screening clearance before they may be offered a public appointment."

My question is, has the government made any offers to people who refused the personnel screening clearance? I'd like to know that.

The Chair: Through Ms. Roberts?

Mr. Tascona: Yes, that's correct. Based on her letter, she says that it's up to the candidate to decide. But I want to know whether the government has actually done that, where they've refused. Those are all my comments.

The Chair: We will inquire. Any other comments on Mr. Tascona's points? Thank you, Mr. Tascona. We'll pursue those items.

Any other items for debate or discussion as part of other business today?

The subcommittee that we had intended to have this afternoon may be necessary, but we had actually cancelled it because we didn't think it would be necessary. I'll tell you what we'll do. We will notify the members that a subcommittee meeting is necessary to clear up the backlog. That may be the case between now and the intersession.

Mr. Tascona: I'm available today.

The Chair: Very good. I will contact members of the subcommittee. I'll get an update from the clerk. There are potentially a couple of additional certificates that may transpire before we recess, so we should be aware of that.

Seeing no other business, the next meeting is set for a week from today, on Wednesday, June 8, at 9 a.m. Folks will be notified when we confirm the room.

Thank you very much, folks. This meeting is adjourned.

The committee adjourned at 1143.

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Wednesday 8 June 2005

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Mercredi 8 juin 2005

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 8 June 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 8 juin 2005

The committee met at 1033 in room 151.

SUBCOMMITTEE REPORT

The Chair (Mr. Time Hudak): Good morning, folks. I call the standing committee on government agencies to order. Welcome back. We do have intended appointees that we will get to shortly. I think at least one of them is in the room—both. Hello; nice to see you.

We do have some routine business to get through first. Our first order of business is a report of the subcommittee on committee business dated Thursday, May 5, 2005. Folks will remember that it was adopted by committee on May 11, 2005, but I understand there may be some motions to amend that subcommittee report this morning.

Ms. Andrea Horwath (Hamilton East): I move that the subcommittee report on committee business dated May 5, 2005, be amended by withdrawing the following intended appointees: Ruben Rosen, Mathilde Gravelle Bazinet, John Magill and also John Whitfield, who was jointly called by ourselves and the Conservative party.

The Chair: So it's a motion brought forward by Ms. Horwath. Is there any discussion?

Ms. Laurie Scott (Haliburton–Victoria–Brock): I have a motion, also.

The Chair: We'll do Ms. Horwath's motion first, and then we'll move to Ms. Scott's motion. Is there any discussion on Ms. Horwath's motion?

Mr. Ernie Parsons (Prince Edward–Hastings): I would second it if it needed a seconder. If it doesn't, I won't.

The Chair: We certainly appreciate the gesture, Mr. Parsons; very nice.

Does anybody need the motion repeated for the record? Seeing nobody, let's move then to the question.

All those in favour of the motion to amend? Any opposed? It is carried.

Congratulations. It's unanimous. You're on a roll. Is there anything else you want to try?

Ms. Horwath: No, that's it.

The Chair: Ms. Scott's motion is on the same subcommittee report. Do we need to amend the subcommittee report first?

Interjection.

The Chair: Very good. Procedurally, we'll go with Ms. Scott's motion. We'll see if that carries, and then we'll have to vote on the amended subcommittee report.

Ms. Scott: I move that the subcommittee report on committee business dated May 5, 2005, be amended by withdrawing the following intended appointees: Kuldip Kandola, George Todd, John Whitfield and Ian Wilson.

The Chair: Is there any discussion on the amendment to the subcommittee report? Seeing no discussion, all those in favour of the motion? Any opposed? It is carried.

Mr. Parsons: You can't say we don't support opposition motions.

The Chair: We're at 100% today, anyway. Joe Tascona wouldn't believe it if he were here today.

We have passed two amendments to the subcommittee report of May 5, 2005. Are there any other motions with respect to that subcommittee report?

We will then have to vote on the subcommittee report, as amended. Is there any discussion on the subcommittee report of May 5, as amended by these two motions? Seeing none, I'll call the question.

All those in favour? Any opposed? It is carried.

The subcommittee report of May 5 is now amended, which I think, Madam Clerk, clears up some of the backlog on committee business.

The Clerk of the Committee (Ms. Susan Sourial): Yes.

The Chair: Is there any other business to discuss before we get on with the intended appointees?

INTENDED APPOINTMENTS

MICHAEL WELSH

Review of intended appointment, selected by official opposition party and third party: Michael Welsh, intended appointee as member, Ontario Rental Housing Tribunal.

The Chair: We'll move on with our first intended appointee, Michael Welsh. Mr. Welsh is an intended appointee as member of the Ontario Rental Housing Tribunal.

Welcome to the standing committee on government agencies. Please make yourself comfortable with a glass of water, coffee or anything that you like. You're invited to make an opening statement on your interest in the position and your background.

We will begin with questions from the government. Any time Mr. Welsh takes up will be deducted from the government's time, by procedure of the committee. Mr. Welsh, the floor is yours.

Mr. Michael Welsh: Good morning, Mr. Chairman and members of the standing committee on government agencies. My name is Michael Welsh. Thank you for allowing me the opportunity to speak to you today on my intended part-time appointment to the Ontario Rental Housing Tribunal. I believe my work and public service background will serve me well for this position. I would like to take the next few minutes to highlight some of my experience and qualifications for this position.

Education-wise, I graduated from the University of Waterloo in 1980 in environmental studies. In 1983, I moved into a career in transportation and logistics planning. I started from the ground up, my first job being a shipping clerk on the night shift with Alltrans Express in Brampton, Ontario. My most recent position was with FedEx Logistics. I was manager for inbound transportation and logistics at the John Deere Welland facility from 1995 to 2004. The business grew from two people in 1995 to over 40 by 2003, and included a brand new 100,000-square-foot logistics warehouse for John Deere in 2001, which is located in Port Colborne, Ontario.

I have also maintained a record of public service over the years. Most of this service has been in my hometown of Niagara-on-the-Lake. In 1988, I was appointed by town council to the traffic and parking committee. The committee was tasked to come up with a report on solutions to the town's well-documented parking, car and bus problems. Our committee tabled a report in 1990, which outlined detailed solutions to these issues, many of which are still in use today. We held public hearings, listened to experts outline solutions and made recommendations based on all of the input gathered.

In 1991, I served on the town's bicentennial committee. In 1992, I was appointed to the town's fence arbitration committee. This committee adjudicated disputes between residential neighbours on property line and fence disputes. From 1994 to 1997, I was on the town's irrigation committee. In 1997, I was appointed to the town's committee of adjustment. In 2000, I was named vice-chairman of this committee. This was a five-person panel which ruled on land severances and minor variance applications brought forward by landowners in the town. The committee approved or disapproved applications based on the rules of the Municipal Planning Act, local zoning bylaws and input from agencies like the Niagara Escarpment Commission, the Niagara Parks Commission and town planning staff.

I very much enjoyed the challenge and responsibility of the work and the critical decisions that this committee made. This committee's work, in my opinion, is similar to that of the Ontario Rental Housing Tribunal.

Finally, the committee members should know I am a member of the Ontario Liberal Party. I served as a volunteer area coordinator for the party from 1993 to 2003 in the Niagara region. In the 2003 provincial election, I was asked by the party to be the co-campaign manager for the Liberal candidate in the riding of Erie–Lincoln.

In closing, I would consider it an honour and privilege to serve this province as a member of the Ontario Rental Housing Tribunal.

The Chair: In spite of the last comments, I'm not giving up on you. We'll still get you in Erie–Lincoln.

We'll begin any questions with the government side.

Mr. Parsons: Frankly, we're very impressed.

The Chair: You're impressed?

Mr. Parsons: Yes, so no questions.

The Chair: Are you speaking for all members of the committee? They're all nodding and smiling.

We'll move on to the official opposition. Ms. Scott?

Ms. Scott: Thank you again for appearing before us today.

You said you were involved in the Ontario Liberal Party. Are you currently a member of the Ontario Liberal Party?

Mr. Welsh: I'm currently a member for the riding of Niagara Falls.

Ms. Scott: You were a co-campaign manager for which Liberal member?

Mr. Welsh: He's not a Liberal member.

Ms. Scott: Of course not. It was just a slip of the tongue.

Mr. Welsh: He ran as a candidate in Erie–Lincoln against the Chair. It was the mayor of Port Colborne, Vance Badawey.

What I can tell you about that campaign is it was a great campaign, a clean campaign. I worked closely with Tim's father on setting up things like the all-candidates' meetings etc. They were long, hard days, but what I appreciated was a good, clean campaign. Erie–Lincoln has a very good member.

Ms. Scott: We think so also. Thank you very much.

The Chair: That's enough.

Ms. Scott: That's enough. Yes, we do have a good MPP in Erie–Lincoln.

How did you hear about this appointment?

Mr. Welsh: I went through the Web site in 2003, when I was finishing up my second round on the committee of adjustment. I was interested in a similar position, as I said in my opening statement. So I applied through the public appointments Web site.

Ms. Scott: You're only interested in the rental housing tribunal?

Mr. Welsh: No. I wanted to stay local. I also applied for the Niagara Parks Commission and the Niagara Escarpment Commission, but I never heard back.

Ms. Scott: Did you talk to anyone in the minister's office? Who did you speak to? Did you speak to the appointments office?

Mr. Welsh: I never spoke to anyone. I just went on the Web site and put my name forward.

Ms. Scott: So you never spoke to anyone?

Mr. Welsh: No.

Ms. Scott: It just came through and they let you know. How long ago did you apply?

Mr. Welsh: I applied in spring 2004.

Ms. Scott: So this is just a part-time appointment.

Mr. Welsh: Yes. First, in fall 2004, I went through the interview process for the full-time position. Then, this past February, they called me back again and asked me if

I was interested in a part-time position and to come in for an interview. The interview process was both verbal and written. So it was the second time, after the first time.

Ms. Scott: Would you still be interested in a full-time appointment if it became available? Is that your first preference?

Mr. Welsh: I would certainly look at that, yes.

Ms. Scott: Could you tell me how you feel the present Liberal government has treated tenants and landlords? Do you feel that even treatment has gone on?

Mr. Welsh: Really, I think the adjudicator position is reflective of the Tenant Protection Act. I think if I'm appointed as a part-time adjudicator, my role is to work with what the act says. As far as legislative changes, whether they're by the Liberal Party or by groups, it's really up to members of Parliament to make those decisions.

Ms. Scott: Currently the government is reviewing the residential tenancy legislation. Do you have any comments on some things you'd like to see changed within that?

Mr. Welsh: No, I don't.

Ms. Scott: Do you know a lot about the tenancy and landlord acts or the legislation? Did you prepare a bit before you came in today?

Mr. Welsh: When I went through the interview process, we were given backgrounds on the Tenant Protection Act, so I know general things about it. Certainly, if I'm appointed, there's an educational process which I hope to gain and get better at.

Ms. Scott: Have you ever been a tenant or a landlord?

Mr. Welsh: I've been a tenant.

Ms. Scott: Was that a good or a bad experience?

Mr. Welsh: It was in Mississauga when I started out with my transportation. It was a good experience. I have not been a landlord, though.

Ms. Scott: With your municipal background, did you hear a lot of discussion about problems arising between landlords and tenants within your area?

Mr. Welsh: No.

Ms. Scott: Nothing.

Mr. Welsh: If that's what you're asking, the committee of adjustment didn't deal with those types of issues.

Ms. Scott: But just from being in the municipality and in the community?

Mr. Welsh: No, I did not.

Ms. Scott: All right. Those are all the questions I have for this morning.

The Chair: Ms. Horwath?

Ms. Horwath: Good morning. I'm wondering if you can point out on your resumé the experience that you have in housing issues generally, and more specifically landlord and tenant issues.

Mr. Welsh: The issues aren't so much in those areas, but I put my name forward from my background with the committee of adjustment. I sat on the fence arbitration committee, so I did some of those arbitrative things. Looking on the Web site, looking at these issues, I thought, in some ways, they'd be similar. You're adjudicating, you're taking the Tenant Protection Act and making decisions on that, so that's where I come from. I believe also I went through the interview, the verbal and written review process, with the tribunal twice, back in the fall, for a full-time position. They called me back in the spring for the part-time position. So I believe they must have seen some background—

Ms. Horwath: Sure. But specifically, in terms of housing issues, how the Tenant Protection Act functions and what the historic issues have been in that area, because it's quite a contentious area, you really don't have a lot of knowledge or experience in that particular field.

Mr. Welsh: Not in that particular field, no.

Ms. Horwath: Generally, do you think it's fair to expect to be appointed to something when you really are just going to be learning on the job, particularly when some of these situations that you're going to have to deal with are persons and a roof over their head? It's a fairly serious position to be put in and to learn on the job. Do you think that's fair to the people who would be coming before you in the tribunal?

Mr. Welsh: Well, I think back to my experience with the committee of adjustment. There were similar things. People would come forward with issues. Zoning and violations were very important and critical to people, so it's similar in that function. It's similar in that people would come forward to the committee sometimes not understanding the issues, and you help them through on these things. So I think I have the background that the tribunal is looking for for the part-time position.

Ms. Horwath: So your interest comes more from the functionality of the adjudication process, as opposed to housing issues or tenant issues or landlord issues.

Mr. Welsh: Yes.

Ms. Horwath: You had said that you applied through the Web site, and that was the process you undertook. But did you have any encouragement or any recommendations coming from anybody? Was there anybody encouraging you to make that first hit on the Web site and make your application?

Mr. Welsh: Well, some family. When I was finishing up the committee of adjustment in 2003, I had spent two terms there, six years, and I had enjoyed it. So some family friends encouraged me to maybe look at public appointments in other areas.

Ms. Horwath: What would you say are the greatest needs that tenants have right now in Ontario?

Mr. Welsh: I can't really answer that question. That's a question I can't really answer.

Ms. Horwath: OK. Could you tell me if you have any inkling of what the needs of landlords would be in Ontario today?

Mr. Welsh: I believe the Tenant Protection Act, the adjudicators who adjudicate specific decisions—once again, for tenants and landlords, I don't know specifically what their issues are.

Ms. Horwath: Do you know what rent control is? Do you have an opinion of the rent control system that currently exists in Ontario?

Mr. Welsh: No, I don't.

Ms. Horwath: You don't know what rent control is or you don't have any opinion on it?

Mr. Welsh: I know what rent control is, but once again, the position I'm applying for is working with the Tenant Protection Act and adjudicating decisions that come up. I'm hoping to get further training for the position, which, in talking, they said that I would get.

Ms. Horwath: So you know what rent control is, but you don't have an opinion on it?

Mr. Welsh: No, I don't.

Ms. Horwath: Is that because you don't have enough information to develop an opinion? Is that what you were trying to say?

Mr. Welsh: I would think that's part of it.

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Ms. Horwath: That's fair. Do you understand the concept of "costs no longer borne"? Have you ever heard that phrase before?

Mr. Welsh: No, I have not.

Ms. Horwath: You have lots of learning to do.

You're now on the tribunal; you've got a case before you. The landlord has one position, the tenant has another, and there comes a time when you actually have to use your judgment, which always happened at committee of adjustment. I'm from the municipal sector as well, so I know how those committees work. So you have to lean toward one side or the other, because the facts don't really favour one side or the other in any clear-cut way. Would you say you would have a tendency to lean more toward the landlord's perspective or a tenant's perspective, based on your general feelings about tenant protection?

Mr. Welsh: Every situation is different and specific, but once again, I would look back to the Tenant Protection Act, what the act and what the law says, and would base my ruling on that act as it stands today. Every situation is different.

Ms. Horwath: There's no doubt about it.

Can you tell me anything about the housing-related issues in the community you come from? Are there any particular issues in the housing sector that are in the news or of concern to the people who are either tenants or landlords in the community?

Mr. Welsh: I have no comment on that.

Ms. Horwath: You're not aware of what's happening within the—

Mr. Welsh: I'm not aware of certain issues with housing in the Niagara area.

Ms. Horwath: Have you ever written to the Rental Housing Tribunal or prepared any briefs or helped anybody to get through that process?

Mr. Welsh: No, I have not.

Ms. Horwath: Do you know what a legal clinic is?

Mr. Welsh: Yes.

Ms. Horwath: Have you ever worked with the legal clinics in your community?

Mr. Welsh: No, I have not.

Ms. Horwath: How am I doing on time, Mr. Chairman?

The Chair: By my quick calculation, you still have another four minutes.

Ms. Horwath: Good. Have you ever attended any hearings at the Rental Housing Tribunal?

Mr. Welsh: No, I have not.

Ms. Horwath: And you've never participated as an observer or to check out how it all works?

Mr. Welsh: No, I have not.

Ms. Horwath: So then, with all of that in mind, what do you think you'll be able to contribute as a Rental Housing Tribunal appointee?

Mr. Welsh: Once again, with my past experience, being on the committee of adjustment, sitting as a fence arbitrator, being able to interpret the act, I think I can bring to the table fairness, honesty and transparency. I think every case is different. That's what I think I can bring to the position.

Ms. Horwath: So at this point in time, do you have any feelings about how the tribunal is currently functioning? Do you have any information about whether the tribunal is perceived to be functioning in an even-handed way or that it comes down on the side of one party or the other? Does it tend to favour decisions for landlords or for tenants? Do you have any opinion as to whether or not it's been fairly even-handed in its processes?

Mr. Welsh: I have no opinion on that.

Ms. Horwath: Well, Mr. Chairman, I don't think I have any more questions that the witness is going to be able to answer.

The Chair: Mr. Welsh, thank you very much for your time. Thanks for your kind words. My father will be happy to hear that you're doing well and I'll pass on his regards on his behalf. Stick around. We have one more intended appointee, then we'll move to our concurrence votes. You're invited to stay and enjoy Mr. Joy's performance for old times' sake.

GREGORY JOY

Review of intended appointment, selected by third party: Gregory Joy, intended appointee as member, Ontario Rental Housing Tribunal.

The Chair: Our next intended appointee is Gregory Andrew Joy, intended appointee as member of the Ontario Rental Housing Tribunal. Mr. Joy is here, of course, to try to raise the bar of debate and to definitely leap over any questions designed to trip him up. Members are invited to make their own puns.

Mr. Gregory Joy: I think the fact that I have to be entertaining is a little intimidating.

The Chair: Mr. Joy, thank you for joining us here today. You were good enough to be here early. You're free to make a presentation about your interest in the position, your background and skills, and then we'll go

around, beginning with the official opposition, for any questions my colleagues may have.

Mr. Joy: Just to clarify: Was anybody else elected in 1995? I didn't think so, so happy anniversary today.

The Chair: Thank you very much. It's a nice day. I'm glad I came today.

Mr. Joy: I'm truly honoured to be here. If you've looked at the little brief that I submitted, it's a fairly varied background. I graduated from the University of Toronto and I've gone to the University of Texas, the University of Georgia and the University of Western Ontario, so I have a broad educational background.

Many of you may remember, if you're old enough, that I competed internationally for Canada for 12 years and did fairly well in the high jump. I achieved all of my goals: a world record, Olympic medal and Canadian athlete of the year. That taught me a strong work ethic, to stick to it, to know what you need to know to get the job done. I coached myself the vast majority of my career, so I learned a tremendous amount of skills for time management and all things related to that.

I worked for the provincial government for three years at the Ministry of Tourism and Recreation as a fitness consultant and a sport consultant. While I was there, I worked with 17 different sports organizations to help them deal with a lot of their funding issues, their management issues, their organizational development issues, their marketing issues. So there was a lot of development there.

For six years, I worked as the executive director of the food bank in Ottawa. During that time, we tripled the amount of food that we were distributing to the community and we heightened the profile. I developed some significant problem-solving skills, I think, in that area.

One of them was, we developed a prepared and perishable food retrieval program. The idea was to pick up food that restaurants were going to throw away and redirect it to the poor. We had a problem in that a lot of the large companies like Cara hospitality and Kentucky Fried Chicken didn't want to donate because they were afraid of liability issues. In 1994, I approached a young MPP with an idea of getting a private member's bill pushed forward. His name was Dalton McGuinty. We pushed it forward, we got unanimous consent on second reading and had law the first day. We had a problem and I solved the problem.

We had the first liquid milk program where farmers wanted to donate milk. We had problems with the Milk Marketing Board, with the manufacturers, the distributors and the farmers, so I pulled all that together to make sure that everybody was singing from the same choir page, and we got that problem solved and had liquid milk going as a trial project in Ottawa. Now it's across Ontario, and several other provinces have bought into that.

For the last six years, I have had my own small business, doing public speaking and training for companies, government organizations and any interest groups.

Beyond that, I've done volunteer work for 25 years. I've sat on numerous boards, committees, chaired a number of committees and worked with different groups to bring to fruition the ideas of a project and make them happen. I lean more toward committees, because I like to get things done. The policy side is interesting, but the practical, at-the-end-of-the-day-I-did-something side is what, as a volunteer, makes me excited. I've sat on school breakfast program committees, the Canada Games bid committee, the Toronto Olympic bid for the 1996 games—I was on that committee as well as working full-time on that.

One of the things that crossed my mind before I came here was, how do I express my skills to convince you that I have the background to do this job? What I found interesting is that last week I was on the phone to a friend of mine in Vancouver who owns a small national business. It's a franchise business. He said, "You'd be great at that"—because he asked what I was doing; he is coming to town next week to Ottawa. He said, "You'd be really good at that. You have all these skills." I thought back to the other people I'd talked to and they'd said the same thing. So what I found instead of me saying what I've done is these people talk about me being a clear thinker and being objective and consistent and fair and having a commitment to community service. I think those are things that I bring to the table to enhance this position.

I have been a renter in Toronto when I was in university. Living as an amateur athlete in destitute poverty, I was in a cockroach-infested bachelor apartment in the west end of Toronto. I moved up a little bit to Jarvis and Wellesley—some members may even live there; I know that some have lived there in the past—a much better maintained building. I learned a lot about the whole process at that time, the rent control process and the arbitration process, because things were coming up on a regular basis and we'd get notified about it. I would stay in touch with how the process was moving along, what the adjudicators wanted to hear and what the issues were. I never sat in on the presentations, but certainly as a renter I was aware of the process.

I strive for excellence in everything I do. I will strive to be the best I can be. I look forward to taking any of your questions.

The Chair: Mr. Joy, thank you very much for the very interesting presentation. Any questions begin with Ms. Scott.

Ms. Scott: Thank you very much, Mr. Joy, for appearing here before us today. Congratulations on your medals that you won. I'm proud that you represented us as Canadians in your Olympic bid, so thank you very much.

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You do have a great deal of experience in your community, and I appreciate the fact that you contribute so highly in your community. My question is, how did you come to apply for the Ontario Rental Housing Tribunal? Were you looking for other appointments? Was this something that jumped out at you and you felt you could make a difference in the community?

Mr. Joy: No, actually, I never looked for an appointment. I mentioned to you earlier that I ran in 1995, and even after that I didn't approach and say, "Can I get an appointment?" It really wasn't a part of what I was looking for.

I've known Jim Watson, who was the mayor of Ottawa, since he was a councillor, for about 14 years now. We got together after the campaign and he said, "If you're interested in anything, let me know." I said, "I really don't know what there is. If you see something that suits my abilities, because you know me—you've known me for all these years. If you see something that makes sense, I would be interested in discussing it."

A few months ago he called me and said, "I just saw this come up. You may want to apply." That was the last conversation. I said, "What do I do?" I went on the Web site. I did the application and then they called me in for the interview. I don't if you're aware, but they have the chair and the two vice-chairs and you go through a full hour interview process and then you do a written presentation. Then they called me and said, "We're doing the police check and we're doing the reference checks. You'll probably be appearing before the committee." That's how the process moved along.

Ms. Scott: So Minister Watson said, "This is an opening coming up, the chair of the Ontario Rental Housing Tribunal," and—

Mr. Joy: Not the chair, no.

Ms. Scott: I'm sorry—member.

Mr. Joy: He told me there was a position that he saw and he thought it would suit my skills. He'd known me for so long—the work I've done, my knowledge of the community and so on and so forth—that he recommended that I apply. I haven't spoken to him about it since.

Ms. Scott: He's listed as a reference.

Mr. Joy: I've known him for a long time.

Ms. Scott: Also, I see that you have Keith Martin, the MP from BC, as a reference.

Mr. Joy: Yes.

Ms. Scott: How do you know him?

Mr. Joy: My wife actually met him on a flight when he was with the Reform Party, I guess it was then, and he was doing all the work on African relief and on Head Start, which he is still trying to get done. We have a lot of common interests and have become good friends. I joined the Alliance Party, actually, to support him for his leadership bid, even though he decided he wouldn't go to the Monaco Grand Prix with me because he was going to run for the leader, which didn't make me happy. I've just been friends with him for a very long time and we share some common interests.

Ms. Scott: Are you currently a member of any political party?

Mr. Joy: How long does a membership last, about a year?

Ms. Scott: You can do a year. It's up to you.

Mr. Joy: I don't know. I joined the Liberals last year to support Richard Mahoney for his nomination bid. I normally support people; I don't support parties as much. I joined the Liberals for that. In 1988, I got a call from David Peterson asking me if I'd run for a Liberal nomination federally, so I met in a corner pocket up here with him. As you've noticed lately, he's quite convincing, so I tried that. Then Mike Harris asked me in 1995 to run for the Tories, so I did that. I believe in people. That's been my political background.

Ms. Scott: Can you expand a bit more on your adjudicative experience? A lot of the people who are going to be appearing before you have not received counselling. I was just wondering how you're going to make them feel comfortable, and maybe what adjudicative background you have that you can bring to the table.

Mr. Joy: Sitting on a number of committees, you learn to listen to different people's points of view in order to move issues forward. Adjudicating is, for all intents and purposes, listening and understanding the issues, and then being able to reflect the issues back so they understand that you understand the issues. I have two kids, so I adjudicate all the time. I think that my background from sitting on committees and being an executive director of a very public organization has provided me with a lot of the skills necessary for that.

Ms. Scott: There has been discussion—we've asked the questions before—about the possible legislation and changes that are coming forth. Do you have any opinion on the tenants, the landlords? Any ideas of how you'd like to see some changes brought forward?

Mr. Joy: Not specifically as regards—I've certainly read the Tenant Protection Act about four or five times and I've read all the interpretation notes. There are gobs of it. I took it to Florida with me on my family vacation and they got tired of me reading it all the time.

It's important for me before I make any decisions on anything to have as much information as possible. I've read the act, I've read the pros and cons from the landlords' side and from the tenants' association side, and I have a general understanding. But before I would jump to any conclusions about any legislative changes or effects on landlords or tenants, I'd really like to listen to as many people as I could. Certainly, the people who have been doing this for a lot longer—up to six years, from what I've seen—will have a lot of very good input before I start formulating any opinions about changes.

Ms. Scott: Do you know any other members of the tribunal at the present time?

Mr. Joy: No. The three I met were an acting chair and two vice-chairs at the interview process. Those are the only people I know.

Ms. Scott: Did they give you any idea of how long the term is?

Mr. Joy: I believe they said it's a three-year term. The first year is an apprenticeship, so you're always mentored through that, and then for the next two years you're on your own.

Ms. Scott: In your community, you've been quite involved, especially in the food bank. I'm sure you must

have heard some conversations about housing issues locally. Can you tell us a little bit about that?

Mr. Joy: In the Ottawa community—I'm sure there's a lot of stuff going on behind the scenes—I haven't seen a lot of contentious issues. We had a contentious issue about a public housing area where someone put up a fence. They weren't allowed to. She was trying to beautify the area, so it became front-page news. Those are the types of things that sometimes become more public, but apart from that I haven't heard about a tremendous number of contentious issues in the public eye.

Ms. Scott: In the Ottawa area, do you have an affordable housing shortage? Do you know?

Mr. Joy: I think things have changed recently. When the Tenant Protection Act came out, there was extremely low housing availability. Apartment buildings were not being constructed; there were certain issues taking place at that time. Things have changed. Now we've got a low-interest-rate environment where people are buying more than they're renting, and that has really changed the dynamics. But what exists today may not exist two or three years down the road.

With the rental housing, it seems to have eased up. I think we're at about a 6% vacancy rate right now. So there is availability, affordability. I'm not so sure what the balance is right now, but I know that availability has become less of an issue than it was maybe five or 10 years ago.

Ms. Scott: Thank you very much for appearing here today.

Ms. Horwath: Welcome. I'm very impressed with the variety of things that you've been able to achieve in your life. I'm wondering if you could point specifically to some of your experiences that you think will help you with this particular position, and I'm not talking about your kids.

Mr. Joy: Or when I built my house.

Having worked in a food bank, you certainly are aware of the clientele that is dealt with on a day-to-day basis. I think it gives me a very good understanding of, and appreciation for, the struggles and the challenges that many people who rent are faced with.

You mentioned earlier the issue of a landlord and a tenant, that there's absolutely no difference between them. People need a roof over their head. Having dealt with people who are faced with challenges, who sometimes don't understand the legislation and who are faced with issues that are extremely stressful, I think I come with a compassion and an understanding of that. If a decision needs to be made for an eviction, for example, I think I carry a compassion with me that would make that order a little more palatable, a little more easy to deal with.

Ms. Horwath: You talked a little bit about your understanding of the current housing situation in terms of rental housing stock, but some would say that the bigger issue is affordability right now. Certainly, there's stock available for rental but the people who are in most need of affordable housing are still not having their needs met. Those also become the people who end up in eviction situations. So I'm wondering if you have any opinion on the way to get at the affordability of rental housing, as opposed to just the availability of it.

Mr. Joy: That's a question that's been debated for years. I think that the federal government's proposed budget is going to be moving forward in that direction, but that's really beyond my scope of responsibilities as an adjudicator. Affordable housing is such a complex, difficult and challenging issue for us as a nation to deal with that it's probably better left to people who are in a position to actually do something about it than to speak about it.

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Ms. Horwath: OK. That's fair. Thanks.

I want to get you to talk a little bit about your experience with legislation, legalese, and the quasi-judicial tribunal kind of framework. You say you read the legislation over and over and over again.

Mr. Joy: Just for fun.

Ms. Horwath: That's what I would not be doing in Florida, reading the Tenant Protection Act.

Do you have a good ability to grasp the complex legal issues that are going to be coming before you as a tribunal member?

Mr. Joy: I think in seven years of university and post-graduate work you learn to comprehend exceptionally well. One of the nice things, I was mentioning earlier, and one of the great things is that you come in to this position with your knowledge of the legislation, the interpretation guidelines, the various documents we've been provided with. But when I went for my interview, one of the vice-chairs who walked me out said, "The training for this job is amazing." Even if I come in with relatively wet feet, I'm certain that, because of my educational background and my knowledge in being an executive director and so on and so forth, it's not a steep learning curve.

Ms. Horwath: Great. That's good.

I asked the previous interviewee, and I'm going to ask you too: Do you know of the concept "costs no longer borne"? Do you know what that is?

Mr. Joy: No. I may know it, but I don't know it by that term.

Ms. Horwath: I can tell you what it is briefly. It's the concept that rent can be increased to cover major renovation projects—

Mr. Joy: Right. It's not referred to as that in the legislation—

Ms. Horwath: —and then after the job's been done, and theoretically the money has been recovered through the increase in rent, then rents should come down, because those costs are no longer being borne by the landlord, because they've been paid for. Any opinion on that concept?

Mr. Joy: It's certainly something that should be looked at if they're going to be reviewing the act.

Ms. Horwath: That's great.

I don't think I have any more questions, Mr. Chairman. I think I'm done. Thank you very much, Mr. Joy. Nice to meet you.

The Chair: Ms. Horwath, thank you very much. To the government side.

Mr. Parsons: You look like you're in shape for the next—

Mr. Joy: I wish I felt that way. I weigh the same.

Mr. Parsons: I've let myself go.

The Chair: Are you a sprinter, Ernie?

Mr. Parsons: Up here. I jump to conclusions a lot.

Mr. Joy: I'm into downhill sprinting now. It feels good.

Mr. Parsons: We have no questions. Thank you.

The Chair: Any other questions or comments or entertaining remarks?

Mr. Parsons: We're fine.

The Chair: All right. Mr. Joy, thank you very much, and thank you for your kind congratulations. We had actually met in the past, so it's good to see you again. I wish you continued success.

Folks, we will now move to the concurrence motions, having concluded our interviews of intended appointees. In the order in which they were interviewed, we will now consider the intended appointed of Michael C. Welsh. Mr. Welsh is the intended appointee as a member of the Ontario Rental Housing Tribunal.

Mr. Parsons: I would move concurrence.

The Chair: Mr. Parsons moves concurrence. Is there any discussion?

Ms. Horwath: I'm sure that Mr. Welsh is a very nice person and a wonderful fellow, but I just have some concern that he really doesn't have an understanding of these issues that will be before him as an appointee to this body. I don't think he has an understanding of the complex system. It doesn't seem like he's done a lot of homework just to get to this process, and I really don't think it's fair to the tenants or the landlords of Ontario, frankly, when there are others who probably have a lot more experience and a lot more understanding of the issues that will be before the tribunal. So I will not be able to support this particular appointment.

The Chair: Any other comments or questions? Seeing none, I'll put the question. All those in favour of Mr. Welsh's intended appointment? Any opposed? It is carried. Mr. Welsh, congratulations and all the best on the rental housing tribunal.

We will now consider the intended appointment of Gregory Andrew Joy. Mr. Joy is the intended appointee as member of the Ontario Rental Housing Tribunal.

Mr. Parsons: I would move concurrence.

The Chair: Mr. Parson moves concurrence. Is there any discussion with respect to Mr. Joy's intended appointment? Seeing none, all those in favour? Any opposed? Mr. Joy, congratulations. All the best on the rental housing tribunal.

Now folks, just before we do adjourn, by way of update, with the amendment to the subcommittee report of May 5, we only have one individual who is currently on our list to be interviewed. It is unlikely that that individual will be available for next week, so currently we are not sitting next week. If for some reason we do need to sit, we will notify members as soon as possible. With that heads-up, adjust your schedules accordingly.

If this is the last time that we do meet in this legislative session, we will probably be scheduling a subcommittee call sometime during the summer months to determine whether we need to meet in the summer, depending on how large the backlog gets. So subcommittee members will be notified of that.

Folks, thanks very much. Have a great day. This meeting is adjourned.

The committee adjourned at 1115.

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Official Report of Debates (Hansard)

Wednesday 7 September 2005

Journal des débats (Hansard)

Mercredi 7 septembre 2005

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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Wednesday 7 September 2005

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES ORGANISMES GOUVERNEMENTAUX

Mercredi 7 septembre 2005

The committee met at 1004 in room 151.

The Vice-Chair (Ms. Andrea Horwath): Good morning, everyone. I'm going to call the meeting to order and ask members of the committee to take their seats when they get a chance. I'll start off by welcoming everyone to our standing committee on government agencies today, Wednesday, September 7, and hope everyone has had a great summer. It's good to see everyone back, all bright-eyed and bushy-tailed.

There are a couple of things I'd like to put out there before we actually start with the meat of the meeting. The first is, you'll have noticed in your package that a couple of withdrawals were made, just to bring that to your attention. We received memoranda on August 19 and August 30 indicating withdrawals from Gordon Bullock, RBG board of directors, and subsequently, William Brett Todd, town of Prescott Police Services Board, just to make sure that's been noted by members of the committee.

I also wanted to recognize that we have a new person with us from research and information services—welcome, Andrew McNaught—who is taking over for Larry Johnston today. Thank you for joining us.

Finally, I beg the indulgence of the committee for myself. Hopefully, with your approval, I'll be able to leave the chair to ask some questions for the third party, because, unfortunately, I couldn't get a sub to sit in and do that. I would ask also if you don't mind me not having to hobble back and forth to another seat while I turn the chair over, if that's possible. I've had surgery on my foot and I'm still in recovery. Is there any problem with that?

Mr. Ernie Parsons (Prince Edward–Hastings): We're nice people.

The Vice-Chair: I knew that. Thank you very much.

Again, if it's all right with members, if there is any other business to be raised, if we could wait until we've gone through the interview process, I think that might be appropriate.

SUBCOMMITTEE REPORTS

The Vice-Chair: I will begin the meeting by asking for the approval of the various subcommittee reports.

First is the subcommittee report on committee business dated Thursday, June 9, 2005. Can I have someone move the adoption of that report?

Mr. Parsons: I would move adoption.

The Vice-Chair: Thank you, Mr. Parsons.

Is there any discussion on that? All those in favour? Any opposed? That's carried.

The second is the subcommittee on committee business dated Thursday, June 16, 2005. Can I have a mover?

Mr. Parsons: I move adoption.

The Vice-Chair: Thank you, Mr. Parsons.

Any discussion? All in favour? Any opposed? That's carried as well then.

The third order of business is the report of the subcommittee on committee business dated Thursday, June 30, 2005. Can I have a mover?

Mr. Parsons: I move adoption.

The Vice-Chair: Thank you, Mr. Parsons.

Any discussion on that? All in favour? Any opposed? That's carried as well.

The fourth is the report of the subcommittee on committee business dated Thursday, July 28, 2005.

Mr. Parsons: I move adoption.

The Vice-Chair: Thank you, Mr. Parsons. Any discussion? All in favour? Any opposed? That's carried as well.

The fifth order of business is the subcommittee on committee business dated August 25, 2005, moved by Mr. Parsons. Any discussion? All those in favour? Any opposed? That's carried as well.

I think we are now able to move on to the appointments review.

INTENDED APPOINTMENTS

GAYLE NATHANSON

Review of intended appointment, selected by third party: Gayle Nathanson, intended appointee as member, Office for Victims of Crime.

The Vice-Chair: Our first interview is with Gayle Nathanson, who is an intended appointee as a member of the Office for Victims of Crime.

Ms. Nathanson, could you please come forward. As you're the first one of the day, you get to be the example for everyone else. I'll start by welcoming you. I invite you to choose any one of those seats. I'm going to explain a little bit of the process, and then we'll get right into it.

What usually happens is, you are given an opportunity to make some comments, to explain your interest and your passion and why you're here. Then we'll go into a rotating set of questions being asked by all of the various

members of the committee; caucus by caucus is the way it usually works. What happens is that any time you take is deducted off of the government side's questions. On this particular day, we'll be starting with questions from the official opposition. Each party will have about 10 minutes to question you on your appointment.

With that being said, again, welcome, and you'll start us off whenever you're feeling comfortable and ready.

Ms. Gayle Nathanson: Tomorrow.

Good morning. Thank you, Madam Chair and members of the committee, for providing me with the opportunity to appear before you today with respect to my intended appointment as a member of the Office for Victims of Crime. I would first like to take a few minutes to briefly outline my professional experience and then address how that background led me to apply to be a member of the OVC.

As you may know from reviewing my resumé, I began my professional career as a lawyer, focusing on corporate litigation. I then moved to Washington D.C. with my husband, who was attending Georgetown business school. It was there that I was bitten by the public policy bug.

During my time in Washington, I worked for a number of different public policy and advocacy organizations, focusing on a range of primarily social issues, including civil rights, constitutional issues, and immigration and refugee matters. I was engaged in a wide range of activities, including stakeholder outreach, coalition building, lobbying Congress and the administration, and media relations. It was an incredible and energizing few years, and it convinced me that the public policy process was where I wanted to focus my professional life. Finally, I understood what people meant when they told me as I was deciding whether to apply to law school that you can do so much with a law degree, which is actually not that obvious when you're in the middle of a corporate litigation practice.

My time in Washington also made me feel more Canadian and more proud of being Canadian than I had ever felt when I was living in Canada, and, after three years, I was eager to return home to work on what I considered our policy issues.

Upon my return in 1998, I began working for a public affairs company and, until this past June, continued to work as a consultant, providing strategic policy and political counsel to clients from a range of sectors. In that role, I developed and implemented public affairs programs, including government relations, communications, media relations and ally-building strategies. Our mandates covered a broad range of issues, including Criminal Code amendments, consumer protection, capital funding for hospitals, and federal tax policy.

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Although I thoroughly enjoyed my work as a consultant, this past spring, after much soul-searching, I decided to take some time off from work to be home with my twin four-year-old boys, which is where I am most of the time now.

That's an overview of my professional experience, but I imagine it may still leave you wondering how I ended up applying to be a member of the OVC. As a consultant, I worked on a range of policy issues, all of which were challenging, but some of which, I must admit, engaged me more than others.

One mandate was particularly interesting. I represented a group of clients who were family members of Canadian victims of the September 11 terrorist attacks in New York City. My work with these clients was with respect to a matter involving the government of Canada, unrelated to the OVC or any part of the provincial government. But these clients had received services and, I must say, incredible support from the OVC immediately following the September 11 attacks and continuing up until quite recently. They had some concerns about the changes that were going on at the OVC that they felt were negatively impacting the effectiveness and efficacy of the agency.

In early 2005, I raised these concerns with representatives from the office of the Attorney General and officials from the Ministry of the Attorney General. Ultimately, we were able to resolve these issues in a way that I believe served not only my clients but other clients of the OVC as well, and the agency itself.

Assisting my clients on this matter was instrumental to my decision to apply for this position, not only for the obvious reason, that it provided me with an opportunity to learn more about the OVC and the various services that are—and in some cases are not—available to victims of crime in this province, but also because it reminded me that these clients, these victims of an unimaginable crime, needed a voice in the policy process. This is something I experienced time and time again as a public affairs consultant. Even our most sophisticated clients, including CEOs of major Canadian corporations, often needed assistance in communicating with government. I often thought of myself as a translator or a conduit between my client and the government officials or politicians responsible for the issue of concern to our clients.

That is a role that I believe the OVC is well positioned to undertake as it moves forward: a voice for victims of crime in the policy-making process. To do so effectively, I think it's important that members of the OVC bring a range of experiences and expertise to the table, not only backgrounds in criminal law or policing and not only individuals who have themselves been victims of crime, both of which are of course very important perspectives to bring, but also, I think, people who have had experience acting as essentially a link between a client—and I think of crime victims as essentially being clients of the OVC—and the policy-makers.

This is how I hope to contribute to the OVC, based on my background experience, and to assist victims of crime in this province moving forward. Thank you for your time today. I look forward to your questions.

The Vice-Chair: Thank you, Ms. Nathanson.

Members of the official opposition: Mr. Tascona.

Mr. Joseph N. Tascona (Barrie–Simcoe–Bradford): We don't have any questions, as we didn't call you to be here today. So we welcome your appointment.

The Vice-Chair: OK. That would then be my opportunity to ask some questions, so could I hand the chair over, perhaps to Mr. Parsons or Mr. Gravelle?

Mr. Michael Gravelle (Thunder Bay–Superior North): Sure. I'd be delighted to chair.

The Vice-Chair: Very good. Thank you.

The Acting Chair (Mr. Michael Gravelle): I'll put you on the clock, though.

Ms. Andrea Horwath (Hamilton East): Thank you.

Ms. Nathanson, you give an excellent overview of your qualifications for the position. How did you hear about the vacancy?

Ms. Nathanson: I heard that the OVC was being reorganized and that they were going to be looking for new members through my work with these clients and my ongoing meetings with members of the ministry and the minister's office as we were trying to resolve the issues with the changes going on at the OVC. So I had heard then that they were reorganizing the board.

Ms. Horwath: All right. You work as a lobbyist for Barry Campbell, who of course is a former MP, for the St. Paul's riding, I believe. Is that right?

Ms. Nathanson: I did work for him.

Ms. Horwath: Sorry about that; yes.

The current MPP for that riding, as you know, is the Attorney General. Do you know of their relationship? Do they have a relationship that you're aware of?

Ms. Nathanson: Yes, they have a professional relationship. Obviously, they know each other from the riding. Beyond that, I don't know. I know they are professional colleagues and see each other professionally.

Ms. Horwath: And so then what would your relationship to Mr. Bryant, the Attorney General, be, as a result?

Ms. Nathanson: My relationship to Mr. Bryant? The same: professional. I know him professionally through my work as a consultant, through my work with Barry Campbell.

Ms. Horwath: Excellent. Are you a supporter of Mr. Bryant personally?

Ms. Nathanson: I am a member of the riding association.

Ms. Horwath: So you're a member of the Liberal Party.

Ms. Nathanson: Yes.

Ms. Horwath: And you've donated to the Liberal Party?

Ms. Nathanson: Yes.

Ms. Horwath: There have been some concerns raised that the government is not using the victims' justice fund to fund victims' services, but rather as more of a political slush fund. That issue has come up in the past. I'm just wondering if you believe that your role on the board will be one that is sufficiently impartial to be able to prevent any further suggestions of that nature.

Ms. Nathanson: I'm sorry; impartial from a—

Ms. Horwath: In order to avoid any further suggestions of that nature.

Ms. Nathanson: I think so. I think the whole idea of reorganizing the OVC and moving service providers into the OVSS and so on is to have a broader perspective. Coming back to what I had said in the past about having, first of all, worked with these victims, where I learned an amazing amount about what it must be like to go through some of these things, and generally working with clients, I think that is honestly the hat that I can bring to the table: thinking of myself in their shoes and what they would feel with decisions being made, whether it's about funds or broader policy issues.

Ms. Horwath: You spoke in your introduction, I think in response to one of my first questions, about your relationship with the ministry and your understanding of the reorganization process that was about to come and how that was an impetus for you to apply. So what kinds of changes would you personally like to see or what insights do you have in regard to those conversations that you see coming down the pipe in terms of reorganization?

Ms. Nathanson: The thing that struck me the most was when my clients were honestly panicked by the rumours they were hearing about the reorganization. They could get no information. Communication was extremely lacking. At the end of the day, the services were still there, everything was running as it had before, but the communication had stopped, basically. And that was what we had worked on in going forward with the officials. It was very effective, I think, in the end. Again, that goes back to my clients feeling helpless because they literally didn't know how to get in touch with somebody. So I imagine that, as a victim of crime, that's got to be one of your most troubling elements, that you're feeling alone, and if the link you had before isn't there any more, you really are completely alone, no matter what services may be out there.

So I would think that as we go forward, if I am part of this agency, I would always try to keep in mind the importance of communicating with the victims and ensuring that they are included in the process of what's actually going on with any changes, whether they be procedural or policy.

Ms. Horwath: Just going back to the issue of the use of the victims' justice fund itself, what kinds of things would you see as being appropriately funded through that fund?

Ms. Nathanson: I honestly can't answer that right now. I would assume that's going to be part of the review of what OVC is considering as it moves forward, so I couldn't even guess what it could be used for at this point.

Ms. Horwath: OK. Do you have any concerns about any uses of it in the past?

Ms. Nathanson: Not that I'm aware of, but I'm not intimately familiar with how it has been used in the past.

Ms. Horwath: OK. I guess one of the examples that I came upon when doing some of the research was that

there was an amount of dollars given to the OPP to fight child pornography on the Internet. Would you see that as an appropriate use of the victims' justice fund?

Ms. Nathanson: Again, I can't say until, if appointed, I sit with the other members of the OVC, we set out a mandate going forward—I hope a long-term vision—set priorities and then figure out how to best service those priorities with the funds. So it's hard for me to answer that.

Ms. Horwath: The reason I'm trying to get a handle on it is because some would say that the victims' justice fund should be for victims and the funding of police services should be the funding of police services, and really, if you start leaching the justice fund into providing police services, then what are you doing in terms of diluting the use of the funds from what they were initially set out to do? Any comment on that?

Ms. Nathanson: The only thing I could comment on in the broader sense is that I think it's important, again, when any decisions are made relating to victims' services, to try to put on, if any of us can for a minute, the hat of a victim. For instance, if the police are in that situation, they are linked to resolving their issues or providing them some kind of services. It may be an appropriate avenue for the funds to go. I can't comment on whether in that specific case it was, but it may not always be so obvious, it may not always be so direct to service providers, because I even think the idea of a service provider for a victim may be broader than we're thinking about right now, and even the concept of how a victim is defined. For instance, my clients were family members of people who died on September 11, but they were victims of that crime.

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Ms. Horwath: In another sense.

Can I just ask one last question? That is around whether or not you feel there is potential for conflict of interest, particularly because this is your field and this is where you're coming from. How will you address those kinds of concerns and/or instances where a conflict of interest may arise?

Ms. Nathanson: First off, I actually think that that particular experience has brought me a perspective that will only be helpful, but I think, most significantly, given that I'm no longer working as a consultant—I'm not representing any more clients, including that group of clients, and I'm not in communication with them right now—I don't perceive any potential conflict.

Ms. Horwath: All right. Thank you very much. That concludes my questioning.

The Acting Chair: Thank you very much, Ms. Horwath. We'll return the chair to you, if I may.

The Vice-Chair: Thank you very much, Mr. Gravelle.

Any questions, then, for the government members?

Mr. Parsons: No questions from the government side.

The Vice-Chair: OK.

Just to let you know, Ms. Nathanson, what the process is—I'm sorry I forgot to mention that at the beginning—at the end of all of the interviews, we'll go back one by one and go through the formal process of the appointment. So you're free to stay or leave. It's totally up to you. The clerk will notify you on the result, and if not, some of the members of the government side. So it's up to you. Thank you so much for coming. We appreciate that.

STEPHEN DIAMOND

Review of intended appointment, selected by third party: Stephen Diamond, intended appointee as member, Liquor Control Board of Ontario.

The Vice-Chair: Our second interview is with Mr. Stephen Diamond, the intended appointee as member of the Liquor Control Board of Ontario.

Welcome, Mr. Diamond. Make yourself comfortable at the end of the table. As you may be aware from the previous process, you have an opportunity to make some comments, to talk to us about your skills that are going to be used for this position, and then, at the end of that process, we'll be going through the rounds of questioning. At that, I will just leave it to you and welcome you once again.

Mr. Stephen Diamond: Thank you very much, and good morning, Madam Chair and members of the committee. My name is Steve Diamond, and the first thing I'd like to say is, I do consider it to be an honour to be considered for the position as a director of the LCBO.

I understand that you have a copy of my curriculum vitae before you. Just very briefly, I am currently a partner with the law firm of McCarthy Tétrault, which has offices in most of Canada's major cities across the country, as well as London, England. I myself am a specialist in planning and municipal law, and have specialized in that since I was called to the bar in 1978.

In terms of my experience in directorships, I had the privilege of also serving as a director of McCarthy Tétrault, and my term ended at the end of 2004. I'm also currently a director of Whitecastle Investments Ltd., which is a venture capitalist corporation.

Over the years, I've also had the opportunity to serve on a number of non-profit corporations. I'm currently director and secretary of the Mount Sinai Hospital Foundation, as well as chair of their nominating and governance committee. I'm also currently a director of the Urban Development Institute and a director of Alpine Ski Club, in charge of their real estate portfolio.

In addition to my current directorships, in the past I've served as a founding director of the Toronto Parks and Trees Foundation, a president of the Canada-Israel Foundation for Academic Exchange, a president of the Toronto chapter of the Canadian Friends of the Hebrew University, as well as a director of the Temple Sinai Foundation board.

Finally, although not a directorship, I also had the pleasure to serve on the Ontario Red Tape Commission, set up under the previous provincial government.

Now, when I've watched the videos that I was sent about the committee, I know that there are a number of

questions that are asked about political involvement. So I thought I would try to address those with you up front.

My actual political involvement dates back to the 1970s and 1980s, when I actually had the opportunity to meet then Attorney General Roy McMurtry. He was actually a neighbour of mine on a cottage that we both had on an island up north. He persuaded me that political involvement is one's civic duty and that it's one of the highest callings in life to be a member of Parliament, as you are. I became involved and eventually became the chief financial officer of the Eglinton Progressive Conservative riding association, and when Mr. McMurtry ran for the party leadership, I was his communications chairman at the convention.

After his defeat, for many years, I then lost interest in politics. A couple of years ago, I was introduced to Dalton McGuinty, who I felt, when I met him when he was in opposition, would be an excellent Premier. I then did become, once again, involved and supported the Liberal Party in the last provincial election. This also involved some fundraising for the party.

While I have not been that directly involved with the provincial NDP, through my work at city hall I also had the opportunity to work closely a number of times with Jack Layton. We were very familiar with one another, and we also worked together to make submissions to various levels of government with respect to the implementation of some affordable housing programs.

Finally, what I can say is, whether it's a commercial or non-profit enterprise, one hopes that when you're coming to a board, you will bring a sense of professionalism, good judgment and high ethical standards. I hope that if my appointment is approved today, I'll be able to bring those qualities to the appointment as a director of the LCBO.

I thank you for your attention. If there are questions, I'd be pleased to answer them.

The Vice-Chair: Thank you, Mr. Diamond, for those introductory remarks. Once again I'll have to ask that Mr. Gravelle take over the chair, if that's possible.

The Acting Chair: Thank you very much, Mr. Diamond. The first question does go the third party.

Ms. Horwath: It's interesting that you had spoken about your previous political involvement and your fundraising for the Liberal Party, particularly. But before I go on to that, I wanted to ask how you heard about this position being open, or available.

Mr. Diamond: I was actually called by the Public Appointments Secretariat. I met with them, and they asked whether I'd be interested in taking this appointment. I was advised that there were some major real estate issues that the board would be facing, and was asked if I would be prepared to work with the board.

Ms. Horwath: So you were recruited by the secretariat?

Mr. Diamond: That's correct.

Ms. Horwath: OK. Can I ask a question around a Toronto Star article that was published on March 9? It reported that there was a big dinner that was hosted by Ed Sorbara, the brother of the finance minister, at about a $10,000-a-plate price, at which time many developers and other people in the community had an opportunity to rub shoulders with the Premier and speak to him about various issues. I'm just wondering, in terms of the timing, is that where you initially heard about the possibility of this particular appointment, back on March 9?

Mr. Diamond: No, I did not hear about the appointment on March 9, and I also should make it clear that I never paid $10,000 to attend a dinner, either.

Ms. Horwath: But you did attend that? You were one of the guests that afternoon?

Mr. Diamond: Yes, I was at that dinner, but I was never asked, nor did I make a $10,000 contribution to the party for attendance at that dinner.

Ms. Horwath: OK. That's fair. Did you have any discussions at all at the dinner about this particular appointment or this particular agency?

Mr. Diamond: No, absolutely not. I had no idea that there was even an appointment available.

Ms. Horwath: OK. Did you have any chance at all to talk to the finance minister about what was happening with the LCBO? Because if you recall, and if I recall, that's probably around the same time that there was a review under way in regard to the LCBO.

Mr. Diamond: No. I didn't talk much about anything about business that evening. The LCBO was really not on my radar screen at the time. I never envisaged that it was something that I would be asked to become a part of, so I really didn't have any interest in asking questions about it on that particular evening.

Ms. Horwath: All right. I just wanted to get the timing straight in terms of when your application was submitted. I'm just trying to quickly figure out—do you recall when exactly you submitted your application, what the time frame was for that?

Mr. Diamond: No. It was in the last few months.

Ms. Horwath: I've got April 29, 2005. Does that sound right?

Mr. Diamond: Yes.

Ms. Horwath: So just a little over six weeks after that dinner took place would have been around the time that your application had been received. So during that time frame you learned about the position and filled out the application.

You talked about the fact that you had—

Mr. Diamond: First of all, when did you say the dinner was?

Ms. Horwath: March 9, and April 29 is the date of your application.

Mr. Diamond: No, I think that's incorrect.

Ms. Horwath: I've got your application in front of me.

Mr. Diamond: I think the application is correct; I don't think the dinner was held in—

Ms. Horwath: OK, so it was the report—you're right; it was the article that came out on March 9.

Mr. Diamond: That's right. I think the dinner was months and months previous to that.

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Ms. Horwath: That's correct. That's my mistake. I apologize for that.

I'm going to go back to the issue of the Toronto Star article, not specifically but insofar as the kind of negative attention these particular types of fundraisers bring, and because your comments initially indicated that that's one of the things that you do. All people involved in the political process do fundraising, absolutely. I'm just wanting your personal opinion on that incident and the resulting negative attention it brought, not only to the Liberal Party and to the people who may have attended, but just the general bad taste that it might have left with people after it had become uncovered. From your perspective as someone who does fundraising, could you comment on that?

Mr. Diamond: I think that whenever one is involved in fundraising—which is something that, interestingly enough, is essential to all political parties, whether they be the NDP, the Conservatives or the Liberals—it's always difficult, because I think it has to be dealt with with a certain sense of judgment. I think everyone learns, as one goes on, what makes that judgment appropriate and not appropriate. In this particular case, I think the whole incident was blown somewhat out of proportion, because as I said, when I read about some of the material in the paper, I read that it was a developers' dinner and everyone had paid a certain amount of money to attend, which, having been there, I know was not the case. I think that, unfortunately, what's most important in all of these situations is that there be full disclosure of all events that are current, all fundraising efforts.

On a personal note, because I've been involved in fundraising, if I had my way I would probably—if I was in office and sitting where you are, I'd probably put some limits on all contributions, even from unions, from corporations and from individuals; certain maximums that would be different. I'd rather have the taxpayers' general fund fund the parties, rather than them coming from individuals, because there's always a perception, which I think is more imagined than real, with respect to the perception of undue influence with all the fundraising efforts.

Ms. Horwath: I'm glad that you raised that, because that was really where I was going with this. Is it your opinion that the high price of these kinds of events are appropriately perceived by the public as special interest groups that have the big pockets to be able to afford to do so and can then buy access to government representatives? That was my point, and I'm glad that you've acknowledged it: that that perception exists.

I'm going to get off of that line of questioning, except to follow up a little bit on the real-time disclosure issue that you raised. I would agree with you, and I think a great deal of this could have been managed better had the government actually fulfilled its promise on real-time disclosure because, as you indicate, there would have been a clear list: who paid what and what was really happening there. Unfortunately, to this day, the government still hasn't committed to real-time disclosure, and hopefully will do so soon.

I'm going to ask you a little bit more now, though—

Mr. Diamond: It just goes to show you that they don't listen to me about everything.

Ms. Horwath: There you go; proven your point, I guess.

Mr. Diamond: Exactly.

Ms. Horwath: I wanted to just ask you a little bit about the actual position itself, and ask your opinion around the privatization of the LCBO. We know that the government's report came back, and they've decided in some ways not to go down that road. There's still some concern out there that the explosion of outlet stores in the LCBO is de facto becoming the privatization of the LCBO. Can you comment on that at all?

Mr. Diamond: I'm very familiar with the issue, and I actually perused—I haven't read in absolute detail—I think it's called the BASR report—and I've carefully examined the annual statements of the board. I'm speaking from somewhat limited knowledge when I give any opinions this morning.

Understanding that, my first point would be that the job as the director is to manage the LCBO, and it's up to the shareholders of the company, which is the people of the province of Ontario, to decide whether or not it should be privatized. My own personal perspective from this point of view is that I believe that the LCBO is doing an excellent job as it stands today and serving the people extremely well. In reading that report, I immediately saw some questions that I would have about the suggestion that there would be more revenue. It's based on a potential increase through licensing fees, but it's based on an assumption of what those fees would be. So if I was asked to investigate the question, I would want to look very, very carefully at that to see whether those assumptions are in fact correct or are not correct.

In reviewing the LCBO's annual report, I think there's also a responsibility that the government still has with alcohol toward social responsibility. When it's in the arms of the government, I think they are better equipped to handle those particular issues.

Again, those are personal views, not of the corporation, but I'm trying to be as candid with you as I can.

Ms. Horwath: That's fair.

The Acting Chair: Ms. Horwath, you have one minute.

Ms. Horwath: Thank you, Mr. Gravelle.

It's interesting, because I think the evidence has shown that most Ontarians would be of the same opinion as yourself as a result of the debate that came up when the report was issued.

I think I'm finished with the questioning. I appreciate your candour, and thank you for taking the time.

Mr. Diamond: Thank you.

The Acting Chair: Thank you, Ms. Horwath, and I'll return the chair to you.

The Vice-Chair: Thank you very much, Mr. Gravelle. I guess there are no questions for—oh, sorry, Mr.

Diamond. I was the first questioner, so now it's members of the government side and then the official opposition.

Interjections.

The Vice-Chair: No questions from the government side? Thank you.

Members of the opposition?

Mr. Tascona: Yes. It's good to see you again, Mr. Diamond.

Mr. Diamond: It's good to see you.

Mr. Tascona: We haven't seen each other since you were working for CN Real Estate in Barrie. I hope you've seen the waterfront since.

Mr. Diamond: I have, actually.

Mr. Tascona: There are no houses on our waterfront; it's all publicly owned.

Mr. Diamond: Yes. It's beautiful.

Mr. Tascona: But you were very professional through that exercise when I was on council, so I appreciate that.

Mr. Diamond: Thank you.

Mr. Tascona: So you're still in the land development business.

Mr. Diamond: Yes. I'm a lawyer, a partner at McCarthy, still doing the same type of work.

Mr. Tascona: Isn't that the same firm that Mr. Bryant, the Attorney General, practised at?

Mr. Diamond: I believe he did, yes. He left before I joined the firm. I joined the firm about eight or 10 years ago. I had my own firm for a long time, and he was not an associate or partner there when I joined the firm.

Mr. Tascona: I understand that.

You said you were called by the appointments secretariat about some issues that you could help in. Obviously, you have a lot of expertise in the land development business. I recently read about you in terms of some of the land development issues you're dealing with in the city of Toronto. What were the issues that were shared with you that you could be of any help on?

Mr. Diamond: What I had understood is that there is a large portfolio of real estate that the LCBO owns and that they're looking for ways to ensure that it is properly managed and it's bringing the highest return to the province in terms of its potential for either development or redevelopment. Those were some of the issues that were discussed with me.

Mr. Tascona: I understand that your expertise would be used—because you have substantial expertise and knowledge in this area and you're active in it—in the private holdings of the LCBO in terms of their redeveloping their own lands and perhaps looking at, if they do expand into other areas, that they would not be buying land but they would be dealing with private sector landholders. Is that correct?

Mr. Diamond: Potentially.

Mr. Tascona: So your expertise is going to be utilized with respect to their real estate portfolio.

Mr. Diamond: I believe that was the reason they were looking and asking for someone to come on the board with my expertise.

Mr. Tascona: I have to be quite frank. Where would you get the time? You're an active land development lawyer, highly priced, and you're going into an area, the LCBO—I know you've got the expertise, but don't you feel that there's a fairly substantial conflict in terms of your expertise and advice on land holdings when you represent a lot of the big developers?

Mr. Diamond: I don't really see that there would be any conflict, because the LCBO owns these particular assets. They are going to be looking to make sure that the properties have their highest and greatest return for the LCBO. That could involve rezoning the lands or redeveloping themselves.

Mr. Tascona: I know, but if you're phoned up—people know now that you're on the LCBO. They've got some fairly attractive real estate holdings. They're also looking to expand. I get calls from realtors saying, "I want my land to be used for an LCBO store." It's like a gold-plated lease. You've got that expertise. Now, maybe they phone you directly, and you say, "Well, I can't do that because I'm the director," but you can sort of pass it off to one of your partners; you know, the Chinese Wall theory. Does that apply at McCarthy, the Chinese Wall theory? You know that.

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Mr. Diamond: Actually, that law—there was a report in the paper again today. They refer to them now as just walls. But you can't necessarily do that any more, and that means you have to have the consent of both parties. My own view is that if there were a private interest that I was aware of or knew of that I was involved with that had an interest, I would then say, "Look, I can't get involved in this particular matter as it's being addressed before the board, because I happen to know that company or do work for that company."

Mr. Tascona: Then how do you deal with sharing your knowledge with respect to the future prospects and dealings of the LCBO and how that applies to your own practice? How do you separate those two things? You're actively in the land development business. You've got great expertise, clients with the pocketbook. How do you separate that: your knowledge of where they're going to go and what you do with your practice?

Mr. Diamond: I don't understand how there could be that conflict. I don't understand the point you're trying to raise.

Mr. Tascona: Well, if you know how an area is going to be developed—an LCBO as part of a mall, which could be an anchor. They're going for bigger stores; you know that. They want cars to be right in front of it; they want total visibility. They've totally changed their marketing strategy in terms of being a big player. How do you separate that in terms of how you want to develop an area for your client? Because they are into condominium development, into all kinds of different development. They're a major player commercially. How do you separate your knowledge in terms of how you develop an area for your client?

Mr. Diamond: First of all, I don't see that as being a conflict. To be able to take one's expertise and apply it to

a certain real estate holding is completely independent from having a client who is acting on the same matter. The LCBO—

Mr. Tascona: I agree with you there, but it also gives you a leg up in terms of the planning because you have the inside knowledge. I'm just saying, how do you separate that? You can say to your client, "I know the LCBO is going into that area. I don't think I can really advise you." You're going to have that knowledge of how an area is going to be developed. The LCBO, in my view, even though they've said, "We're not going to privatize the service," are certainly going to privatize their land holdings big time. That's where they're going with respect to making sure that their bottom line looks more responsive to the private sector. But the private sector holdings of the LCBO—to me, they're a very active real estate arm, and a lot of people find them difficult to deal with. But the fact is that everybody wants a lease with the LCBO or to own the land where they're going to provide the lease. I'm just raising the point that, because you're so active in the land development business, you certainly get yourself a leg up in the industry in saying, "Gee, this guy is with the LCBO. He's certainly going to have some knowledge." I can see some business coming your way just because of that particular appointment.

Let's face it, you're a busy guy. I really can't understand, other than your expertise, why you would take on the appointment, because of your time limitations.

Mr. Diamond: First of all, as I said, I was approached and, as I started off this morning, because I was asked and I thought I could offer some assistance, I said I thought it would be an honour to be able to serve something that would assist in a public initiative. I just don't see, with the greatest of respect, there being a conflict.

Mr. Tascona: I didn't say there was a conflict. There may not be one where you get a direct client, because you can always back out of that. But your knowledge of how to develop an area, because you know where the stores are going and whatever—it's because it's crucial to get an LCBO lease for some malls. You'd be able to use that. That's all I'm saying, in terms of the knowledge, in terms of your being an active player. You're not going to back out of the land development business; you're going to stay in that land development business.

I want to ask you a question. If you were at that dinner with the Sorbara family that was reported March 9, and I think you said you were at the dinner—

Mr. Diamond: Yes.

Mr. Tascona: —in what capacity were you there? Nobody gets into those gatherings unless they've got a little bit of coin to put in. Either your client paid for you or you were there for some capacity. What was your capacity?

Mr. Diamond: Because I had said I'd worked for the party during the election, I think what may have occurred was that they had a spot, or someone cancelled at the last minute, and they told me that if I wanted to attend the dinner, I could attend.

Mr. Tascona: So that ticket already would have been paid for; you were just coming for somebody else?

Mr. Diamond: No, I don't think so. Nobody—

Mr. Tascona: You never checked that out? They told you, "Someone else isn't coming; you can come"?

Mr. Diamond: No, but I was told about the dinner and I went.

Mr. Tascona: Who told you?

Mr. Diamond: It was Greg Wong, who at the time was the head of the Ontario Liberal fund. It was three or four days before the dinner, and he asked me if I wanted to attend the dinner, and I said, "Sure."

Mr. Tascona: And it was related to any discussion with respect to land development holdings?

Mr. Diamond: No, none whatsoever.

Mr. Tascona: But the main players were from land development. You know as well as I do—my area isn't covered by the greenbelt. Then you've got Metrus there, you've got a couple of other big developers up in our area. There are also the issues around Durham in terms of lifting the freeze. The major players that are involved in that were all there. So what were you doing there, other than—

Mr. Diamond: They were all where?

Mr. Tascona: At that particular type of dinner. The major players in the development industry were at that dinner.

Mr. Diamond: First of all, I think you're mistaken about who was at that dinner. Again, I have nothing to do with the greenbelt. I haven't had anything to do with the greenbelt—

Mr. Tascona: No, but you've got clients that are in the greenbelt.

The Vice-Chair: You have got one minute left.

Mr. Diamond: No, actually, I don't. I have nothing to do with the greenbelt. The majority of my practice is in the 416 area code today. It has evolved since I joined McCarthy's. It's mostly within the boundaries of the city of Toronto. I have very little to do with—

Mr. Tascona: No development interests up in Simcoe county?

Mr. Diamond: Nope. None.

Mr. Tascona: What about your clients?

Mr. Diamond: My clients are one part of a group. One client may own land up there; I'm just not dealing with it. The stuff I deal with is mostly in the 416 area code. That's the majority of my practice today, and has been for the last 10 years. I don't have anything to do with the greenbelt. I haven't made any submissions to the government about the greenbelt; I haven't asked any clients about the greenbelt. So that's just the way it sits.

You asked why I was out to dinner. I was involved with the Liberal Party when they were in opposition. You asked why I attended: I hosted a reception for Dalton McGuinty at my home. It was at a time when it couldn't even be a fundraising event, because no one would pay to meet the Leader of the Opposition. OK? Perhaps I was invited to the dinner because there was some sense of

appreciation of those who were working at a time when they were trying to get the word around there to help.

Mr. Tascona: What was the cost of the ticket to the dinner, do you know?

Mr. Diamond: At my home? It was free.

Mr. Tascona: No, no. At the one that you attended in March.

Mr. Diamond: I'm not sure.

Mr. Tascona: Wasn't that $10,000 a ticket? You just got asked to walk in to the dinner?

Mr. Diamond: Yes.

Mr. Tascona: That's interesting. Those are all the questions I've got.

The Vice-Chair: Thank you, Mr. Tascona.

I believe that's the end of all the questions, Mr. Diamond. Thank you very much for appearing before us today. At the end of the process of all the interviews this morning, we'll be making our final recommendations. So you're welcome to stay or get on with your busy day. Thanks once again.

W. DAVID WILSON

Review of intended appointment, selected by official opposition party: W. David wilson, intended appointee as chair, Ontario Securities Commission.

The Vice-Chair: Our next interview is with W. David Wilson, the intended appointee as chair of the Ontario Securities Commission.

Mr. Wilson, please come forward. Make yourself comfortable. As you are probably aware, you will have an opportunity to initially a some statement, if you choose to do so. That time will be deducted from the government's opportunity to ask any questions. Then we'll go through the rotation of questions by each party for about 10 minutes each. So any time you're ready. Welcome once again. The floor is yours.

Mr. W. David Wilson: Thank you very much, Madam Chair.

Good morning, ladies and gentlemen. I am honoured to have been nominated to become chair of the Ontario Securities Commission. I'll keep my remarks this morning brief to leave you more time for any questions that you may have. In my opening remarks today, I'd like to touch on three areas: my relevant business experience, my involvement in regulatory activities in the past and the priorities I would bring to this position.

As you know from my biography, I have had direct experience in the securities industry for the past 35 years. I would be the first OSC chair since 1974 whose educational background and career experience is outside of the legal profession. Over the past 20 years, I have been responsible at one time or another for the management of virtually all of the investment banking activities conducted by a large securities firm. So with my street experience, I have seen the issues from the market participant's perspective over many years. Having worked with corporate and government clients in the raising of debt and equity capital, I know first-hand how important it is to ensure the global competitiveness of our capital markets here in Ontario.

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My regulatory experience goes back to 1994, when I was appointed to the executive committee of the Investment Dealers Association, the IDA. In 1996-97, I was chair of that self-regulatory organization. During my term as IDA chair, the IDA took the lead role in creating a new self-regulatory body for the mutual fund industry, the Mutual Fund Dealers Association. That association, the MFDA, has evolved to become a very important participant in the securities industry regulatory landscape.

As a member of the ministerial committee mandated to review the Securities Act, I participated over a two-year period in developing a detailed set of recommendations which were considered by the standing committee on finance and economic affairs. Many of the issues are still under debate, and I look forward to the opportunity to help address them as chair of the OSC. In addition, I have advised the government of Ontario on its initiative to establish a common securities regulator for Canada. I deeply believe in the OSC mandate: to provide strong investor protection and to foster fair and efficient capital markets and confidence in their integrity.

One of Ontario's most important assets is confidence in our financial system. It has helped to make our province an engine for growth for all of Canada. To maintain investor confidence, we must make it clear that our markets are characterized by integrity and backed by enforcement. Investors have a right to expect that when they invest, they are protected by laws and regulations and that those laws and regulations will be enforced. This must include vigorous consumer protection activities.

In dealing with financial service providers, retail investors have a right to be treated honestly and fairly. The OSC and other regulators have a responsibility to ensure that they are. I am very proud to have been asked to take on this important responsibility to help foster the efficiency and integrity of our capital markets, and I look forward to having the opportunity to take the position.

I'd be pleased to answer your questions, Madam Chair.

The Vice-Chair: Thank you very much, Mr. Wilson. The questions will begin with the government side this time, I believe.

Mr. Parsons: Mr. Wilson, your presence here today tells me that my resumé didn't even get short-listed for this position, and rightfully so.

On a serious note, this is an extremely critical position, given financial events over the past few years in more than one country. Could you briefly run through the process that you were part of to reach this point in time? How were you contacted? Did you contact first, or whatever?

Mr. Wilson: Sure. I'm happy to answer that. When David Brown, the predecessor chair of the OSC, announced his intention to retire back in November, I privately mused about the possibility of making a career shift. So I asked David if he would have lunch with me,

and we talked about the reasons for his retirement and the sort of job that it was. That was in February of last year. I just kept my thoughts to myself and nothing really happened until April, when the recruiting firm that was retained by the government to fill the position contacted me. I had two meetings with the professionals at the recruiting firm. That led to further meetings with, first, the advisory committee that the minister had on the selection of the new OSC chair; I then met with the deputy minister. I received a phone call from the minister, as I gather he called each of the final three candidates. Then I received a final phone call from the minister offering me the position. So that's the sequence of events that led to where we are today.

Mr. Parsons: That's all our questions.

The Vice-Chair: Mr. Tascona?

Mr. Tascona: I appreciate you coming here today, sir. Have you ever had any involvement financially or organizationally in the Ontario Liberal Party?

Mr. Wilson: I have personally donated to two political parties and I've made donations to candidates in two parties, but active involvement in the Liberal Party in terms of position or membership, no.

Mr. Tascona: So you've contributed financially to the Liberal Party through candidates?

Mr. Wilson: And to the party itself, yes.

Mr. Tascona: OK. With respect to the appointment, who was the recruiting firm for this particular—

Mr. Wilson: Korn/Ferry International.

Mr. Tascona: You said you'd received two calls from the minister. When was the final call made?

Mr. Wilson: The final call from the minister was around the middle of June. I believe that the announcement of my nomination was June 22.

Mr. Tascona: I just have one area I want to probe with you. I'm sure that you're aware of a Globe and Mail article that was published June 29, 2005. It was written by Sinclair Stewart and Andrew Willis. Are you aware of that article?

Mr. Wilson: I'm not sure what the topic was.

Mr. Tascona: It was about "Flashy Bay St. Trader Faces Probe." It was about a David Berry.

Mr. Wilson: Yes, I'm aware of the article.

Mr. Tascona: In the article, sir, it indicates—and I don't know whether this is true or not true, but if you just want to comment on it—"Mr. Berry's de facto boss, meanwhile, Scotiabank vice-chairman David Wilson, announced Thursday he was resigning from Scotia Capital to head up the Ontario Securities Commission, the country's largest securities watchdog." I don't know whether that's true or not. They call it the "de facto boss." Could you maybe explain whatever relationship you had organizationally to Mr. Berry, if any?

Mr. Wilson: Sure. I'm chairman of Scotia Capital, which is a wholesale division of the Bank of Nova Scotia, and I have a layer of direct reports in the organizational structure. A layer below that is another layer of direct reports, and then it's the layer below that where the equity trading people report. David Berry reported four layers down from where I was in the organizational structure.

Mr. Tascona: I don't know if there's an investigation going on through the Ontario Securities Commission of this particular matter. Are you aware of any?

Mr. Wilson: This particular matter—let me back up a little. When I was nominated for the OSC chair on June 22, I entered into an agreement with the Ontario government regarding my conduct between June 22 and the assumption of the position, presuming my nomination was confirmed, on November 1. There were some protocols put in writing that were approved by the ethics commissioner of the Ontario government and the conflicts commissioner.

One of the conditions in those protocols was that I would be excluded from any discussions at Scotiabank during that four-month period regarding any regulatory matters between the Bank of Nova Scotia and the Ontario Securities Commission. Because of that, since June 22, I have been completely excluded and have no knowledge of any matters relating to any regulatory activities between the bank, its employees and the regulator. In the matter you speak of, I have no knowledge of any developments there since June 22.

Mr. Tascona: I have to ask this question, because you are in front of the committee and this is an important appointment, as you're aware: Are you personally under investigation with respect to any matter that could affect your appointment?

Mr. Wilson: No.

Mr. Tascona: I understand that there have been town hall meetings and there's been a concern with respect to the OSC complaints system. I think you're probably aware that there have been some fairly high-profile cases in terms of this. Do you have any ideas in terms of some areas you'd like to address as chair in terms of the complaints system?

Mr. Wilson: Yes. You referred to a town hall meeting, which was held in the spring, hosted by the Ontario Securities Commission. It was quite a lively meeting, I gather, with lots of investor comments and concerns about the redress mechanisms they have when they have a complaint and they feel they've been harmed by the financial intermediary system.

I've read the report that the OSC published after the town hall meeting, and there are issues that should be addressed, in my opinion, to give investors clear access to forms of redress when they think they've been wronged by the system. I think some work should be done in this area, and I gather it is being done. Retail investors should have a clear knowledge of where they can go and it should be pretty seamless that they can get somebody to deal with their complaint and make a decision on it. The system, as I understand it, is not working as smoothly that way as I think it should be.

Mr. Tascona: Do you think they have the adequate resources to actually do the job legally, as opposed to the other functions of the OSC? In the state of New York, they have Eliot Spitzer, who is fairly high-profile. He's

the Attorney General, and it comes to the Attorney General where they, in effect, are monitoring and enforcing the law. Any comments on that in terms of whether our model is the best?

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Mr. Wilson: Certainly enforcement, effective enforcement and protection of investors, is probably the highest priority of the Ontario Securities Commission. I've looked into resources in the enforcement branch of the OSC. The number of people engaged in that activity has grown substantially in the last five years. I think the number in the OSC's total professional head count is over 100 people now. Is that adequate, is really your question. I don't know enough at this stage to know. But if it isn't, it would certainly be a priority to add resources to make sure the job is getting done. It's a very, very important function of the securities regulator.

Mr. Tascona: I agree. I'm just wondering whether the Attorney General's office should have a stronger role in that particular area, seeing that his main job is to uphold the rule of law in the province and enforce it.

Mr. Wilson: I can't really comment on that. I do know that the RCMP white-collar crime unit and the Ontario Securities Commission have been working much more closely together in the last 12 months or so than they have in the past. That's a very constructive step. There is a law enforcement agency called IMET, the white-collar part of the RCMP, that works closely with the OSC in Ontario, so I know there has been movement in that area. Is it enough? Maybe not. It's something I would want to look at.

Mr. Tascona: You have said that you favour the creation of a single regulator. Is that correct?

Mr. Wilson: Yes. I think a single common regulator for the whole country would be a very positive development.

Mr. Tascona: Your predecessor wasn't that optimistic in terms of that happening. What are your thoughts on where it stands right now?

Mr. Wilson: I believe that eventually it will happen because it's the right thing for the country; it's the proper way to regulate securities in a large country like Canada. Right now, my understanding is that Minister Phillips has formed a committee, headed by Purdy Crawford, to come back with a recommendation on a structure for a common regulator for Canada. That committee is expected to give a report to the minister some time in the fall of this year. It's a blue-ribbon group of business people who have been put together by Purdy Crawford. That will be one step in the evolution of this process. Will it be successful? I hope so, but it's been 20 years that people have been working on it, trying to create this single national regulator, and it hasn't happened yet. I believe we should keep trying.

Mr. Tascona: I'd like to thank you for your time. I know that you're very highly qualified and I welcome you to the post.

Mr. Wilson: Thank you very much.

The Vice-Chair: I'm going to have to call on Mr. Gravelle to take the chair, please.

The Acting Chair: Ms. Horwath, your 10 minutes.

Ms. Horwath: Mr. Wilson, I actually just wanted to follow up a little bit in regard to the idea of a single regulator and ask what your perspective is on the challenges that are currently facing security regulators in Canada.

Mr. Wilson: As it relates to 13 regulators as opposed to one?

Ms. Horwath: Absolutely.

Mr. Wilson: Canada has 13 different provincial regulators. There is a spirit of co-operation among them, but in my view that's no substitute for a single regulator with one set of laws, one set of regulations, one set of fees for all the users of the system. It simply would be more efficient to have a single body looking across the country at all securities matters.

Do things fall between the cracks? Is the system broken because there are 13 regulators? I don't think so, but it's not as efficient as it should be. Things don't happen as quickly as they should. It takes longer to get a decision when you've got to get 13 different people to agree, if you're trying to get some common decision made, and in a fast-changing world, delays effectively cost money. So it's not as efficient; it's suboptimal. I think it would be a big step forward if Canada joined virtually all the rest of the world and had one single regulator for the country.

Ms. Horwath: You spoke a little bit in your introductory remarks about the integrity of markets and the need to have that secured and backed up by enforcement. You might know that Ontario investors have been stung by a number of high-profile stock frauds and scandals. Can you delineate in a little bit more detail what you see as being the steps that are necessary to basically fully protect investors in Ontario?

Mr. Wilson: I think it's resources at the enforcement level at the Ontario Securities Commission, and at the self-regulatory bodies that are there to protect investors as well: the Investment Dealers Association, the Mutual Fund Dealers Association, and the Ontario Securities Commission. So resources are the critical ingredient.

I'm a realist. No matter what resources you throw at enforcement, there will still be some people who will find ways around the rules and will be able to defraud people. It will never be perfect, but it can be improved; I'm convinced of that. As I say, one of my objectives if I were OSC chair would be to do everything possible to make the system as good as it can be to protect investors. Investors are entitled to be protected when they're putting their money up, at risk, in good faith.

Ms. Horwath: You talked about enforcement of existing rules. Any changes that you think need to be made to the rules themselves?

Mr. Wilson: The capital markets are characterized by a high degree of innovation, so there are new products being developed all the time, and the regulators must stay on top of new developments. A good example that's quite topical these days is the development of hedge fund

investments. The regulators are looking hard right now at hedge funds and what regulatory oversight they should have. There have been some publicized cases of apparent frauds in hedge funds already, and so the regulators should be nimble in getting on top of the situation. That is happening, I understand, but that's a case of an innovation where the regulators have to stay on top of innovation to protect investors.

Ms. Horwath: The NDP put together a paper not too long ago called A Brighter Idea to Protect Investors. There are a number of recommendations in there, and I'm not going to bore you with every single one, but I thought I might pick and choose a few, because they were specific recommendations around how to change the existing framework to better protect investors particularly.

One of them was to ban inside directors from serving on audit committees, so this is the accountability piece on audit committees. Any comment on that?

Mr. Wilson: By "inside directors," you mean not independent?

Ms. Horwath: Yes.

Mr. Wilson: My understanding is that new rules have been announced that are coming into force late this year or early next year that require audit committee members of public companies to all be independent. "Independent" is defined in the regulations. So that actually, I believe, has happened. At least it has been approved and is in the process of being implemented, that particular recommendation.

Ms. Horwath: That's great to hear.

Is the issue of forbidding public accounting firms from providing non-auditing services in conjunction with auditing services at the same time similarly covered off?

Mr. Wilson: There's been a lot of discussion about that over the last couple of years, and I believe that division of service provision with auditing firms has happened, by and large, in Canada and the US. That was a very big topic some years ago. The former chair of the SEC took that policy on, and there has been significant change. So it's pretty much happened.

Ms. Horwath: It's addressed? That's great.

What about the idea of reforming the accounting standards that would require the immediate expensing of executive stock options so it's straight out there?

Mr. Wilson: That is, again, a very topical subject of a couple of years ago, and in Canada, under Canadian regulatory accounting regulations, stock options now must be expensed. In the US, it hasn't been approved yet for final implementation, but it's likely that it will be. But in Canada, it has, again, been approved for expensing of stock options based on a valuation of the option as the expense item. So that has happened as well.

Ms. Horwath: That's good to hear.

What about the protection of mutual fund unit holders through an independent governance structure?

Mr. Wilson: On that subject, the Canadian securities regulators, of which the OSC is a member, of course, have published for comment a proposal on independent oversight of mutual fund boards. I believe the comments are due in on that proposed regulation this month, and there should be some action on it. So that is, again, very topical, underway, and there will be some new rules regarding independent oversight of mutual funds.

Ms. Horwath: Can I get your opinion on that particularly?

Mr. Wilson: I'm supportive.

Ms. Horwath: Supportive of that idea?

Mr. Wilson: Yes, I am supportive of that. It's an independent review to oversee conflicts and conflict issues between the mutual fund manager and the funds that they manage.

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Ms. Horwath: I wanted to go into a little bit different field. One of our members is quite concerned, and we've raised it many times in the Legislature, about the issue of payday lending businesses. Do you have any opinion on how payday lending businesses—

Mr. Wilson: Payday lending businesses? I must admit I'm not familiar with exactly what that is.

Ms. Horwath: They are basically the storefronts that are set up to give people advances on their pay. They've usually got high interest rates. In fact, oftentimes people are brought into a cycle where they never actually pay off their payday loan because the interest rate is so high that when they get their pay they can't pay it off, so then they borrow again. It often ends up in a cycle of financial devastation for those who are desperate and end up using the payday lending operations.

Mr. Wilson: Your description of that lending product is the first I've heard of it. It's not really a securities matter, so I do not believe it's part of the mandate of the securities commission.

Ms. Horwath: No, it's not, but it's a financial issue that I thought with your expertise you might have an opinion on.

Mr. Wilson: I must admit that I'm not known for that one.

Ms. Horwath: The Money Marts and cheque-cashing services: You're not aware of those?

Mr. Wilson: My part of the Bank of Nova Scotia is the wholesale part. We deal with large institutional investors and corporations. So I apologize; I'm just not familiar with that particular activity.

Ms. Horwath: Well, it's often the inaccessibility of some of the larger banks for people that prevents them from being able to open accounts and leads them into those other situations. But OK; that's fine. I'll go off of that, if that's not a comfortable place for you to respond.

I think that was it, then. That was the last question that I had, Mr. Chairman, so thank you for your indulgence.

The Acting Chair: Thank you very much, Ms. Horwath. You came in under your 10 minutes again, so I will pass the chair back to you, if I may.

Ms. Horwath: All right, then.

Interjection.

Ms. Horwath: No problem. I was going to do that as well.

The Acting Chair: Thanks very much, Mr. Wilson. That does complete the questioning, I guess.

The Vice-Chair: Yes, it does. It completes the questioning, so thank you very much for your time here. Again, if you wish to stay while the committee deliberates at the end of all of the interviews this afternoon, you're welcome to do that; otherwise, you'll be notified as to the committee's decision.

Mr. Wilson: Thank you very much.

DORTE DEANS

Review of intended appointment, selected by third party: Dorte Deans, intended appointment as member, Social Benefits Tribunal.

The Vice-Chair: Our fourth interview is with Dorte Deans, the intended appointee as a member of the Social Benefits Tribunal.

Ms. Deans, if you'd like to come forward. You've probably had some time to observe what's been happening so far, so welcome, and make yourself comfortable.

As you do so, I'll just explain once again that you have an opportunity to make some initial comments. After that, we'll go through a rotation of about 10 minutes for each party to ask some questions of you. That will begin, I believe, with the Progressive Conservative Party this time around. You're welcome to begin at any time.

Ms. Dorte Deans: Thank you. I do have a statement.

Madam Chair and members of the committee, I'd like to thank you for this opportunity to come and speak with you today with regard to my application to the Social Benefits Tribunal. As an opening statement, I'd like to share with you how my experiences as a high school teacher and vice-principal have prepared me for this role and how I feel I can make a meaningful contribution to the tribunal.

This is a tough job and will not always be pleasant. I know there will be many challenges and difficult decisions, and many of the people I will deal with will be angry, frustrated, perhaps ill, and marginalized. The job will require tact, compassion, inclusiveness and fairness.

My long career as a teacher and my 10 years as a vice-principal, together with my volunteer work, have taught me about people and about the difficult situations they can find themselves in. I have worked with people and families in different economic, social and cultural circumstances. Through my volunteer and other work, I have met people who find themselves in difficult and disorienting new situations, either through disabilities, cultural changes or economic hardships. I have handled many types of challenges as well as challenging people, and I know I can bring patience, respect and impartiality to this position.

I've had experience assessing conflicting stories, and I know that every story has several sides to it. I am fair when I assess such situations, and my communication skills were honed when I wrote a book several years ago.

Recently, I spent three months teaching adults who were on the Ontario disability support program and were undergoing retraining and job search training. From them I learned a lot about that process and how they felt about what was happening to them.

Also, many years ago, I worked with a group that helped a Vietnamese family come to Canada, teaching them English, finding them housing, supporting them financially and connecting with them over many years as they built their success in their new country.

In my schools, the ESL population was always large and continually growing. I had many conversations with these people as they adjusted to their new life. As a result, I'm familiar with some of the hardships such changes present to people, as well as some of the community agencies that can help them.

While I feel I would like to be empathic and helpful to all people in difficult circumstances, I also understand that the public purse needs to be protected. There needs to be accountability. The rules and regulations concerning such help need to be carefully followed and I will work hard to be just and diligent in my decisions. As vice-principal, I often would consult the Education Act, which we were guided by, before coming to decisions about procedures in my schools. So I'm familiar with working under such regulations.

I really look forward to taking on this challenge and doing the best job I can for the people of Ontario. Thank you for the opportunity to speak with you today.

The Vice-Chair: Thank you very much. As I had mentioned, the first opportunity to question you comes from the official opposition.

Ms. Laurie Scott (Haliburton–Victoria–Brock): Thank you for coming here today and appearing before the committee. We just have some questions to ask about background and so on, so not to worry; just feel at ease.

I notice from your resumé that you volunteer at the Royal Botanical Gardens.

Ms. Deans: Yes, I do.

Ms. Scott: OK. That's great. Unfortunately, we've just had a withdrawal from the board of directors, Gordon Bullock. Did you know Gordon in any way in connection with the botanical gardens?

Ms. Deans: No. I've heard the name but I don't know—

Ms. Scott: OK. Being a volunteer there, how do you feel about the current provincial funding at the Royal Botanical Gardens? I know they've asked for more. What did you see from the volunteer's side?

Ms. Deans: There were some things that have happened in the RBG that I'm happy to see. One of the changes they've made with their staffing is that although they've unfortunately had to release about half their staff, the volunteers have been allowed to take some of those positions, which is a difficult thing in terms of employment. But at the same time, it helps the gardens as a whole to be more presentable to the—

Ms. Scott: Would you say that more funding should be recommended?

Ms. Deans: Yes.

Ms. Scott: OK. Also, I noticed on your resumé that you have worked with the United Way before. I wonder, in your capacity—something that you have mentioned before—in teaching and ESL and ODSP retraining, do you feel that you have a good background to be on the tribunal? Do you feel you have that background, specifically maybe with the United Way, in dealing with people who are receiving social assistance?

Ms. Deans: Yes. When I worked with the United Way, it was as a member of the citizens' review committee. We met with, usually, the executives of the different organizations that were asking for funding. So I didn't really deal with the people who were actually the receivers of the funding, per se.

Where I do feel I have that experience is, again, through my teaching and being a VP. Two of my positions were in inner-city schools in Hamilton, where there were a lot of people on social assistance. I've seen first-hand the kinds of things that happen. For example, I was at Scott Park as a vice-principal when the funding was cut by 21%, and I had several students come to me and say, "I have to quit school because I can't afford to live on this assistance. I have to get a full-time job." Students coming and saying, "I have to take the day off school because I have to go to the food bank." Those kind of things have really given me a lot of insight into the kinds of hardships that people can find themselves in, and the kinds of things that can be done to help them; not just to understand it but also to see what kinds of community service that is out there to help these people. I'm very familiar with those organizations and where you would send certain people to find help and so on.

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Ms. Scott: I've had a lot of discussions with the women's shelter and the food banks, and there have been some reports done about revamping the system. I just wondered, maybe from your past experience, do you feel that the system should be more individualized? I got a lot of feedback in that direction from within my own riding, which is a rural riding, that the system should be more individualized with the clients' needs. Do you have any comments on—I don't know if you know the Deb Matthews report or any of the reports that have gone on before.

Ms. Deans: Yes. I've read the Deb Matthews report. To as large an extent as can be done, I know that when an individual is asking for assistance, they meet with a case worker and their individual needs are assessed at that level. I'm afraid that until I get the training, I'm not as familiar as perhaps I should be to answer that question fully. But I think there is such a difference between the needs of different individuals, and you can find yourself in tough circumstances if you only follow the rules to the letter. On the other hand, of course, you have to be realistic with how the system can respond.

Ms. Scott: In one case there was, in housing particularly—different areas of the province—and in following the individuals in that housing.

Ms. Deans: Yes. I think certainly somebody living on assistance in Toronto has a more difficult time than somebody who lives in Grimsby, perhaps. So there might be things built in for cost of living and that kind of thing, but that would not be under my purview as a member of the tribunal; that would be the decision-makers who sit around this table.

Ms. Scott: That's fine.

Because the people appearing before the board do so without the benefit of counsel, what would you do to make the individuals feel comfortable, so that they received a fair hearing? Coming today before the committee, you mentioned, is a bit of an intimidating process. Are there any ways that you think, just from drawing from your experience or maybe what you've heard, you could accommodate their fears before coming before the tribunal?

Ms. Deans: I think it will be a very intimidating experience for some people. I've thought about even little things, like if I'm sitting behind a desk, to get out from behind the desk and walk over to shake their hand and say, "Welcome today." There has to be a balance between the formality of the proceeding, that they understand that this is a proceeding that follows certain rules and regulations, but you certainly can work to smile a lot and just speak in a language that is understandable by people. I've had a lot of experience with that, because when you're talking to a 14-year-old, you can't use 27-letter words. It's something I've thought about a lot. When I wrote the book, that was one of things I really thought about, because it was for high school students and I wanted to make sure that they could understand what I was trying to tell them.

Ms. Scott: Do you feel that you have enough experience in arbitration?

Ms. Deans: Yes. As a vice-principal, a lot of what I did was talking to people, coming to a compromise, understanding different sides of the situation, being able to look at a situation where people were telling me several different sides to a story, and being able to understand more or less and say to the people, "You're telling me this; you're telling me that. Can we agree that the truth is somewhere in the middle here?" Usually we would come to a kind of compromise.

Ms. Scott: How did you hear about this appointment?

Ms. Deans: I heard about it—when I retired, it was not necessarily for the sake of being retired; it was for the sake of finding another career. I really enjoyed my career in education but I thought perhaps there was something else. A friend of mine, whose name is Elizabeth Beckett, is the vice-chair of the Ontario Rental Housing Tribunal, and she phoned me and said, "I really think you should apply for a position like this." I thought, OK, that sounded interesting. She invited me to come and sit in on one of her hearings, which are public hearings, and I did that and found it very interesting. So I applied to four different tribunals and was called for an interview for the social benefits. At the end of March, I went to an interview for that tribunal.

Ms. Scott: OK. Thank you very much for coming today and answering my questions.

That's all the questions that I have, Madam Chair. Thank you.

The Vice-Chair: Thank you, Ms. Scott. Could I turn the chair over, Mr. Gravelle, please?

The Acting Chair: Ms. Horwath, please feel free to ask some questions.

Ms. Horwath: Thanks very much.

Good morning. Thank you for coming. I had a couple of questions about the RBG, which I probably shouldn't get too much into, but as you know, I've been a little bit interested in what's been happening in terms of the lack of funding. Of course, having read the report, everyone realizes that the funding has been withdrawn over a period of years by all funding agencies, including the provincial government. I guess I just had one question, and it's more of an opinion, around what your personal opinion is about the importance of the RBG to the Hamilton-Burlington community as a cultural asset.

Ms. Deans: Oh, wow. I just love the RBG. It's such a beautiful place. As Hamilton gets more and more built up, I think it will become more and more just a little jewel sitting in the midst of growth. It shows Hamilton so well, especially when you come in on the 403 and see all those lands around Cootes Paradise. It just makes the city look so beautiful, especially compared to if you go the other way.

I feel that if we were to lose that kind of asset, we would never, ever be able to regain it. I think it's really, really important to keep it going and make sure that we maintain it.

Ms. Horwath: Absolutely. I would agree. Thank you for making those comments. I think it's really important to get that on the record from people other than just myself as a representative for the area. So thank you for that, and thank you for all the volunteer work you do there. It's a fabulous asset.

One of the things that we often ask people who are appointed to various boards and agencies is their political experience or their political affiliations. Is there any political affiliation that you have that you wanted to disclose?

Ms. Deans: I vote, usually, depending on issues and personalities.

Ms. Horwath: So you're not a member of a political party?

Ms. Deans: No, I'm not. When I applied for this appointment, I wrote to the Honourable Marie Bountrogianni to inform her. I also wrote to Judy Marsales; she's the MPP for my area. Marie I knew because we both worked at the Hamilton Board of Education when she was chief psychiatrist there. We've known each other professionally over the years, but I have no affiliation with her right now. I mean, we don't see each other socially or anything. I helped her with her campaign two campaigns ago, and I also helped Judy Marsales with her campaign most recently. But other than that, you know, there's not a tight—

Ms. Horwath: So in terms of volunteer work, and donations as well?

Ms. Deans: Yes. I donate federally to the NDP and I donate provincially to the Liberals.

Ms. Horwath: Lots of people in Hamilton do that. OK, that's fair.

I actually wanted to ask you a couple of questions about your experience. I'm glad that you raised it with this example you gave around Scott Park and what your experience is in terms of the effect of cuts to social benefits and to many of the programs that used to exist to assist people through tough times, particularly as it pertains to the community that we're from, which is the community of Hamilton. Could you provide some more information in that vein?

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Ms. Deans: Certainly. One of the things that's happened is, I used to teach in one of our vocational schools. For those who are not from Hamilton, that was like a trade school. Those, as you know, have been cut down to two in Hamilton, and the two that remain are constantly being looked at to see if we should cut those as well.

As a teacher and VP, I have dealt with many, many students who would have done very well going to a vocational school, but because it's so limited now, everybody wants their child to be a lawyer, and to tell them that their child has the ability and the interest, that they should be going to a vocational school and become a plumber, they don't want to hear that. I think that's partly because it's such a narrow opportunity now. So it does have a stigma, unfortunately. When I was there—that was a long time ago—it really didn't. There were many people who went there because they wanted to learn hairdressing, for example.

We've read a lot lately about the huge rise in the dropout rate from high schools, and it occurs to me, from my experience at Scott Park, where kids were quitting because they had to live, whether part of that might be still attributable to the fact that they can't get student assistance that they can actually live on. I think that's a difficulty that we will find many years from now, that we don't have as large an educated base of employees as we could have had, had we kept those kids in school.

Ms. Horwath: I think I would agree, actually, that there's a block of young people that we've failed and that are not going to be able to contribute in the way they perhaps could have, had some of those changes not been made.

It's interesting, because I often call the members of the Social Benefits Tribunal because, unfortunately, there have been instances where this tribunal has, at least in my opinion, ended up having appointments that really don't know much about anything in regard to the field. So I mostly call people just to make sure that it doesn't continue to just be a slush fund of appointments that are not qualified. Unfortunately, we've had several. I'm happy to say that I don't find you to be one of those. So it's actually quite nice to see someone coming before us for this particular tribunal who I believe is going to have some positive things to contribute.

Having said that, I don't think that there are any other questions. I think you've done a great job of explaining

what your qualifications are. Thank you very much for appearing.

The Acting Chair: Thank you very much, Ms. Horwath, and I will return the chair to you.

The Vice-Chair: Thank you, Mr. Gravelle.

So that, I believe, is now the opportunity for the government members to ask a couple of questions.

Mr. Parsons: Ms. Deans, we have some questions for you about Royal Botanical Gardens, but since they're off topic, we're not going to. So we will pass.

The Vice-Chair: Was that it?

Mr. Parsons: Yes, that's it.

The Vice-Chair: Thank you, Mr. Parsons.

So that concludes the interview. You're welcome to step down. Again, if you wanted to stay till the end—I think we have two or three left; I'm not positive here. Yes, we have two interviews, three interviews left. You can stay if you like, or if not, you'll be notified as to the result of the committee's decision. Thanks again for coming.

LYNDA NEWMAN

Review of intended appointment, selected by official opposition party: Lynda Newman, intended appointee as member, Bradford West Gwillimbury/Innisfil Police Services Board.

The Vice-Chair: The next interview is with Lynda Newman, intended appointee as member of the Bradford West Gwillimbury/Innisfil Police Services Board.

Ms. Newman, welcome. Make yourself comfortable. As you've observed, likely, the process is such that you're given an opportunity to make an initial statement. After having done so, we go through a rotating process of questions by all of the various parties. Any comments that you make will be deducted from the time allotted to the government party. That leaves 10 minutes for each party, actually, except for the ones that will be deducted from the government side for your initial comments. With that, welcome, and the floor is yours.

Ms. Lynda Newman: Thank you for the opportunity to speak to the committee concerning the South Simcoe Police Services Board that serves Bradford West Gwillimbury and Innisfil. I am a resident of Bradford West Gwillimbury and have been for 17 years. I have been active in the community for most of that time, serving in a number of volunteer capacities. Some of those include being vice-chair of the HEART committee, which was a committee of town council; chair of the tourism committee, another committee of town council; director and president of the Bradford and District Chamber of Commerce on two occasions; founder and president of the 27 Way Marketing Group; and leader in the training and consulting services program of the United Way of Greater Simcoe County. My volunteer service has been recognized on a number of occasions in my community.

I am a registered professional planner and I'm an active member of the Ontario Professional Planners Institute, volunteering my services to guide development and implementation of our strategic plan and related organizational change.

The background information you received shows the range of senior positions that I have held with various government departments and agencies, including the Ministry of Municipal Affairs and Housing.

For the past nine years, I have operated my own consulting firm, Clara Consulting. I offer my skills in a variety of areas, including strategic and long-range planning, restructuring and organizational change, group facilitation and conflict resolution, and public consultation. My clients are found throughout southern Ontario and are largely municipalities, although I have undertaken a number of provincial projects as well. My interest in downtown revitalization and affordable housing has resulted in my affiliation with CPTED Ontario, which is interested in crime prevention through environmental design.

I have recently completed my second term as president of the local chamber of commerce. I am always interested in undertaking new challenges and maintaining my service to the community. The South Simcoe Police Service is a relatively new entity and is facing many challenges, not least of which is serving a rapidly growing population. New programs are being introduced to meet the distinct needs of children and youth and of seniors. We patrol both land and water, and efforts are underway to make both safer for travellers and residents.

Two municipalities are served, which are composed of several distinct communities with varying policing requirements. Fiscal management is always a challenge, and there are some important decisions required in the near future on capital expenditures.

I believe that I am up for the challenge and want to help guide the service through the strategic decisions and their implementation. I know that I can assist the service as it works with municipal and community representatives. That is why I have sought this position and am here today. Thank you.

The Vice-Chair: Thank you very much, Ms. Newman. I believe I have to ask that the chair be sent over to Mr. Gravelle.

The Acting Chair: We will begin the questioning with the third party. Ms. Horwath, go ahead, please.

Ms. Horwath: Can I ask right off the top, Ms. Newman, if you're a member of any political party or if you've donated to any political party in the past?

Ms. Newman: I'm a member of the Liberal Party.

Ms. Horwath: Are you a donator to the Liberal Party?

Ms. Newman: Yes.

Ms. Horwath: Large amounts or sums?

Ms. Newman: Not large amounts, no.

Ms. Horwath: Have you been a member of the Liberal Party for quite some time? Most of your life?

Ms. Newman: Yes.

Ms. Horwath: You have quite a varied resumé, quite a number of experiences and quite a number of different initiatives that you're involved in. What in your back-

ground would you say is the key factor that gives you the experience that you need for this position?

Ms. Newman: As I mentioned in the presentation, our community is growing rapidly, and all services, including police, are going to have to come to grips with how they deal with that, to serve that large and expanding population. I think that my professional background will be useful to the service board from a practical point of view of capital projects. We have facility needs that the service board has. I think also that my skill set in public consultation, strategic planning, fiscal management, organizational change, all of that skill set, is probably quite relevant and very useful to the board at this time.

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Ms. Horwath: What would be the key crime issues in your region?

Ms. Newman: We are a largely rural community with a fairly concentrated urban area. We are in between Toronto and cottage country, which means that we get a great deal of commuter traffic going through the area. So certainly for rural residents, the most significant issue has to do with traffic, speeding and various kinds of traffic-related incidents. We are a community that has seen an increase in crimes that we didn't experience, say, 20 years ago, but I would say that those are still not too predominant in our community, fortunately.

Ms. Horwath: Many forces turn to something called community-based policing to work on emerging issues. Are you aware of that model, and what's your opinion about it?

Ms. Newman: Yes. I think that's great. We need to work with community groups to ensure that we are working toward prevention of crime.

Ms. Horwath: Would you say that your region, at this point in time, requires more police officers, or is it appropriately staffed?

Ms. Newman: Certainly we continue to grow. That is going to continue to put pressure on our service and we will need to have the service grow as our population grows. There have been issues around the package of programs that the service is offering. I'm sure that the service itself, the chief, would say that we have some places where we lack skills and manpower.

Ms. Horwath: OK. All chiefs say that. I come from the municipal sector too.

Having been active in the business community, I'm sure you're aware of what your municipal budgets are all about as well. Would it be your opinion that your municipal budgets are able to absorb the costs of expanding the force, of hiring more officers?

Ms. Newman: Certainly, fiscal management has been a challenge. The proportion of the municipal budget that is allocated for the police service has been increasing as a percentage, and that's been causing consternation among the two councils, because we have two municipalities, two councils. I was at a board meeting not too long ago where they invited the representatives of both councils to attend. They were talking about needs, and there are stress and strains there, for sure. But I think what I heard from those two councils was that generally they are still very supportive of the service and they want to work with them to make things happen.

Ms. Horwath: I'm wondering if you know whether the cost-shared program that the McGuinty government announced is going to be taken advantage of by your region.

Ms. Newman: I don't know the answer to that.

Ms. Horwath: You don't know whether they're planning on hiring more officers at, I think it is, 35 cents to the dollar?

Ms. Newman: I don't know if a decision has been made. I don't know the answer to that.

Ms. Horwath: OK. But you would—

Ms. Newman: I would assume so, but I don't know.

Ms. Horwath: I guess it's probably a no-brainer to assume that if they were 100% dollars, then you would be hiring more police officers, as per the comments you've made. Is that correct?

Ms. Newman: I would think so, based on what's been said.

Ms. Horwath: Thank you. Can I ask you to just remind me about how it was that you came upon the position?

Ms. Newman: Councillor Doug White, who is with the town of Bradford West Gwillimbury, contacted me, indicating that the provincial appointments were coming up. He and I have had quite a lot of interaction through the chamber of commerce; he represents the council at chamber. He called and said, "I think you'd be a good candidate and I'd like you to think about this." I did, and I applied.

Ms. Horwath: Very good. Is he also a member of the Liberal Party, do you know?

Ms. Newman: I'm not sure. I haven't asked him that.

Ms. Horwath: OK. I think that's all. I was going to ask some more about your contribution as a member of the board, but it seems to me that through your work with the chamber and some of your other experiences, you've actually got the perspectives that you need to be an effective board member, so I'm not going to bother with those questions.

Mr. Chairman, I'll end my questioning there. Thank you so much.

The Acting Chair: Thank you very much. Once again, you came in under the 10 minutes, so congratulations. I will now pass the chair back to you, Ms. Horwath.

The Vice-Chair: Thank you very much, Mr. Gravelle. I'll then ask the government side to ask any questions that they will of the candidate.

Mr. Parsons: No questions, thank you, Chair.

The Vice-Chair: OK. Thanks very much, then. Members of the official opposition? Mr. Tascona.

Mr. Tascona: Thank you, Lynda, for attending here today.

From my information, I think Councillor Doug White is a Liberal, but I certainly think his reasons for contacting you have merit. You've been very involved in the

community. Certainly, this is not going to be all that easy a task. I think the Bradford West Gwillimbury police service is an important service in the community. I think it has a huge role to play, because the area is so large, and also the resources and the debates that have gone on.

I'd like to ask you a few questions, just to get your thoughts, if you want to offer them. For the police services board, and this is what I'm informed of in terms of the cost of policing, "Budget increases over the last five years have totalled over 77%, with significant cost overruns in each year. The budget tabled in January 2005 proposed a 14.7% increase over the previous year." Are you aware of that?

Ms. Newman: Yes.

Mr. Tascona: "The police services board blames the rising costs on wage and benefit increases that are beyond its control. Other municipal officials, however, have called for a re-examination of the way police services are provided in the region. In the summer of 2004, the Innisfil council asked the South Simcoe Police Service to conduct a comprehensive audit and to consider the possibility of returning to a single police service or contracting out. Regarding this last option, it was suggested that the service obtain quotes from neighbouring police services, such as York region. The chair of the police services board, Marty Toombs, a former member of the Bradford West Gwillimbury council, is opposed to such a review. He says a full audit of police services would be costly, and points out that previous reviews concluded the area is receiving good police services.

"In January 2005, after the board rejected a request to hire two additional police officers, the South Simcoe Police Association called for a provincial audit of the force. According to the association's president, Brian Miller, the board should be taking into account the fact that the region is growing and becoming more urbanized."

Do you have any views on this issue, because I think that seems to come up every year? I was at the mayor's golf tournament, and they were doing fundraising for a particular piece of equipment for the police services. I guess there are different views on that. I totally respect Mayor Jonkman. I think he's done great work, and there have always been tremendous volunteer efforts in terms of helping the police services. But, you know, this is a time of real challenges on costs, and you've got two different councils. Any comments?

Ms. Newman: I certainly respect the perspectives of the two councils. They are always looking at it from a fiscal point of view, and they need to be responsible about that. My perspective is that all three entities—the board and the two municipalities—need to be a little more strategic and long term in their thinking about the service, and that there needs to be better and ongoing communication between them in regard to this, because the two councils have not always been on the same page about this either. So I would certainly hope that one of the things that I can help with is to get us out of some of the shorter-term thinking and discussion that's been going on and maybe get it into a more strategic discussion, so that maybe we can smooth out some of the shorter-term debates that keep going on.

Mr. Tascona: Yes. Well, it's good to see a woman on the board too, to be very honest.

Ms. Newman: Yes, and that too.

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Mr. Tascona: It's been a few years.

There are some issues provincially that have arisen and are going to get into the area. One of them is the public complaints system. I don't know if you're familiar with that, but it has to do with a person who has a complaint. In the current system, I believe they go to the police station and file that complaint with the police chief and then it's investigated, and then if there's a problem, it would go to OCCOPS. The Attorney General is looking at a different way of doing it, in terms of it not being that direct access with the local police station. Do you have any comments on that proposal?

Ms. Newman: I certainly don't think I'm an expert on this. Perhaps after I've been on the board a while, I might have more of an opinion. Thinking of this in a different context, thinking of it more in experiences I've had in other ways, I do tend to prefer something that is more arm's-length for this kind of review. But I don't have a particular opinion about the proposal that has come forward by the government.

Mr. Tascona: Chief Davis, as you're aware, would have that responsibility. He seems like a fairly approachable chief. One of the two offices you have, though, is downtown on Holland Street, in Bradford West Gwillimbury, and then the other one is up on Seventh Line, off Highway 11, in the town of Innisfil. Do you have any comments in terms of the location and the type of building that would be best suited for the police services?

Ms. Newman: Certainly that is a current issue. The need for some kind of a capital expenditure has been discussed for some time now. There was a proposal by the service for a single location where the Bradford West Gwillimbury Administration Centre is now, because the municipality is talking about a new campus for its facilities.

I, again, am of the opinion that we need to be thinking a little longer-term. We're two municipalities that expect, and have already planned for, a doubling of population, and I think that needs to be large in our perspective on what we should do about these facilities. I haven't read everything, but I'm not yet convinced that a single location is the answer under these circumstances.

Mr. Tascona: I should add too that you also have the outlet mall, where they have some service there for the police. I guess the biggest challenge is the size of the area, and certainly the prospects in terms of future growth. I think that it's going to be a big challenge.

Ms. Newman: Definitely a big challenge.

Mr. Tascona: Also, with the administrative justice, we have the courthouse in downtown Bradford on Holland Street, and yet there's none in Innisfil, and we have the one service in the city of Barrie, but we do have

a courthouse in Newmarket. Bradford has always been sort of strategically located with Newmarket in terms of some of the offset of the services, but I think that's going to be a challenge as the force grows.

The other area too is that I've been somewhat impressed with the police's work with respect to highway enforcement and street enforcement. I think they've done a fairly diligent job. Do you have any opinions on the red-light cameras in terms of assisting the police?

Ms. Newman: I personally believe that many of our traffic problems actually are not occurring where you would have those kinds of systems. It's mostly either on the highways or on rural roads, where probably policing is the answer. Perhaps in the urban centres—I'm not aware that we've actually, as a service, analyzed where they would want to put lights. I don't have enough experience with them to really have an opinion on that as far as, say, Bradford is concerned.

Mr. Tascona: With them getting larger, there are certainly some pressure points off Highway 88, where Bradford District High School is, and also the downtown with the traffic. I guess one part of it is if they ever get to the Bradford bypass. Any thoughts on that?

Ms. Newman: There are many, many growth-related issues here. The service will be challenged to deal with all of them.

Mr. Tascona: If they ever go ahead with that, though, that's going to be a huge challenge in terms of where they're going to go. But that's all the questions I have, and I certainly look forward to your appointment.

The Vice-Chair: Thanks very much, Mr. Tascona.

I believe that's it for your interview. Thank you very much for joining us today. Again, if you wanted to stay for a few minutes, the committee will go through all of the interviews to make a final decision. But otherwise, you're free to go on with your business, and you'll be notified as to the outcome. Thanks very much for joining us.

HUGH CHRISTIE

Review of intended appointment, selected by official opposition party: Hugh Christie, intended appointee as member and chair, Algonquin Forestry Authority.

The Vice-Chair: We're just moving right along here, eh? We're half an hour ahead of schedule. That's great. Hopefully we have our next interviewee here, who is Hugh Christie, intended appointee as member and chair of the Algonquin Forestry Authority.

Welcome, Mr. Christie. Make yourself comfortable. You might have been here for the last couple of interviews. If not, I can just run through the process with you. You'll be given an opportunity to make a few initial comments, an opening statement. After that, all of the three parties will have an opportunity to ask you some questions. The time that you take in your statement will be deducted from the government's opportunity to ask questions. It'll be about 10 minutes for each of the parties. Of course, with that in mind, the government party's time will be deducted from the amount of time you've spent on your statement. When you're ready, the floor is yours. Welcome, once again.

Mr. Hugh Christie: Thanks, Madam Vice-Chair. Members of the committee, it's a pleasure to appear before you today, and a particular pleasure to appear as a nominee for the position of member and chair of the Algonquin Forestry Authority.

I'm an employment lawyer by vocation, but I've always had a great love of the outdoors, particularly the Canadian wilderness. It all began as a kid canoeing in Algonquin Park. That's why I'm so excited about the prospect of helping out with the protection, governance and long-term planning of that magnificent asset.

I've canoed through much of the park from Kiosk to the Highway 60 corridor. In fact, I've canoed the Arctic. The first time I went up there, someone said, "So is this your first trip north of 60?" I said, "No, I've been north of 60 often. I've been up all the way to Kiosk." They meant the 60th parallel. I've seen the successes and failures of forest management in various regions of Canada. I've cross-country skied around our province, particularly in eastern Ontario, and that culminated in completing a 90-kilometre ski loppet in Sweden a few years ago. I've seen forest management on that continent, too. But that doesn't really answer the question of why a Bay Street lawyer wants to be chair of the Algonquin Forestry Authority.

I believe in volunteer service. I believe in public service. I believe that those most fortunate in society have an obligation to give back. I believe what I offer to the position are a good sense of governance rules and skills in public sector boards. I have been a trustee of Queen's University, and sat on its board for 10 years plus. I'm currently its vice-chair. I'm vice-chair of its audit committee. I was the rector when I was a student at Queen's University, and I was president of its student government. I was a member of a board of a thing called the Centre for Quality in Governance. I've been a director and chair of the board of Campbell House, the little museum down University Avenue at the corner of Queen Street. I was a member of the board of my local community health centre, the Frank O'Leary Community Health Centre, which is now known as the Four Villages Community Health Centre. I'm a member of the board of the foundation of the George Hull Centre for Children and Families in Etobicoke. I was a member of the board of the Association of Universities and Colleges of Canada and a founding member of the board of the Ontario Federation of Students. I was a member of the board of the Advocates' Society.

I believe that I understand the dynamics at play and the issues faced by the Algonquin Forestry Authority. If the park is to continue to be the magnificent public asset that it is for our kids and our grandkids, it needs good management and good governance. It needs wise decision-making, based, wherever possible, on consensus. I believe I can assist that process.

I do not believe that the park needs a markedly different strategy than the one adopted in its latest management

plan. It strikes me as a sensible, well-thought-out document, the product of compromise and consensus. It has clearly benefited from the active involvement of a number of groups, professional park management, staff, experts and dedicated citizens.

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The park is a resource, in my mind, that has to be managed with the longest term in mind. It sits at the head of so many rivers: the Bonnechere, the Magnetawan, the Oxtongue and the Petawawa. It's now so much more proximate to the main population of Ontario, which has grown since it was created in the late 1800s, and so the balance between recreational use and forest management and the economics of forestry—while the issue has been constant throughout the history of the park, the circumstances in which they're played out are clearly different today because of the crush of civilization.

We shouldn't forget, the park employs 420 people directly in forestry, and almost 3,000 people around the periphery of the park rely on its timber for milling. The park is an economic engine for towns like Whitney and Huntsville, where I spent a lot of summers, Madawaska, Killaloe, Pembroke, Palmer Rapids and Mattawa. What a great example—it already is—of sustainable forest harvesting without detracting from the recreational use of the facility. That's why consensus is so important.

The issues and trade-offs of resource exploitation and recreation can be a win-win proposition. It seems, from a brief review of the management plan, that one of the park's goals is to recreate the old-growth forests that were here when our ancestors arrived. Particular species—certain hardwoods; red and white pine—can be preferred over others when replanting takes place. What a wonderful backdrop for the recreation component in the park, and what a solid, long-term goal for the management of the forests of Algonquin for their economic benefit.

Striking that balance isn't a unique goal of Algonquin. The Nahanni, the Thelon, the Queen Charlottes/Haida Gwai, which made the newspapers, all have faced that balancing act and dealt with it with more or less success. Europeans, because of their population density, have had to strike quite a different balance from the one achieved in Algonquin.

All that said, I would be misleading you if I said that what I brought to this position was the background of an expert. That's not what I bring. I am not trained in forestry. I've obviously not spent my career managing those issues, but I understand the issues. I understand the stakes involved and their importance. I'm prepared to listen to expert management and input from interested and committed citizens. I'm prepared to make sure that the governance model established by the act is administered fairly and evenly. I believe that that knowledge and feel for governance and 30 years of involvement on other public boards is what I bring to the table, besides my passion for the park and its preservation as a superb public resource.

Thank you, Madam Chair. I look forward to your questions.

The Vice-Chair: Thank you very much, Mr. Christie. There is about three minutes for the government side to ask some questions.

Mr. Parsons: No questions, thank you.

The Vice-Chair: Then, over to the official opposition. Mr. Tascona?

Mr. Tascona: Thank you, Mr. Christie, for coming here today. You graduated at Queen's, 1981?

Mr. Christie: Yes, that was one of the two times.

Mr. Tascona: I graduated there in 1983.

Mr. Christie: That makes you way smarter than me.

Mr. Tascona: Were you ever the warden at Gordon residence?

Mr. Christie: I was, as a matter of fact.

Mr. Tascona: I followed you. I was the warden in 1982-83.

Mr. Christie: I hope I left the apartment clean.

Mr. Tascona: Well, I had a little bit of work to do.

Mr. Christie: Thanks.

Mr. Tascona: I think I straightened it out. I just wanted to make sure I had the right Hugh Christie. Your legend preceded you there, I guess, in terms of your work at Queen's. There's no doubt about it.

I just wanted to ask you a few questions because I don't think you've hidden the fact that you're connected to the Liberal Party. Laurel Broten, who's the new Minister of the Environment, is one of your references on your resumé. You also were her riding president, I understand.

Mr. Christie: Yes.

Mr. Tascona: OK, and you contributed financially, obviously, to the Liberal Party?

Mr. Christie: Yes to that, and other parties.

Mr. Tascona: OK, and your firm was Gowling Lafleur?

Mr. Christie: Yes, Gowling Lafleur Henderson.

Mr. Tascona: Is Sean Conway, the former MPP for Renfrew–Nipissing–Pembroke, still at that firm?

Mr. Christie: He's not, no. He's the head of the—what's it called?—centre for public policy at Queen's.

Mr. Tascona: Right.

Mr. Christie: Intergovernmental affairs, public policy—one of those two.

Mr. Tascona: He's no longer with Gowling?

Mr. Christie: No.

Mr. Tascona: He was, at one time?

Mr. Christie: Yes, that's right.

Mr. Tascona: Now, you're a labour lawyer, I take it, or an employment lawyer?

Mr. Christie: Unemployment. "Labour" would be gussying it up a bit.

Mr. Tascona: I want to ask you a question, because this is a sensitive area: Basically, because the responsibilities of the position are subject to the Crown Forest Sustainability Act, the Algonquin Forestry Authority is allowed to harvest timber in Algonquin Park "and to sort, sell ... and deliver the logs." It is also empowered to advise on, "undertake and carry out ... forestry, land management and other programs and projects as the"

ministry "may authorize." That's a fairly significant authority, especially now, in terms of issues such as high gas prices. I think you're going to see the price of lumber skyrocket. I think at any time to be able to get your hands on timber in that particular area is of some advantage.

Your being a Bay Street lawyer: Certainly you've been quite upfront and frank about the fact that you've paddled there, but that doesn't qualify you, based on interest alone, to be on that authority. But at the same time, that's a fairly influential post. If your firm had clients that were interested in that particular area, you would be of service in having been appointed to that particular authority. How would you deal with such a situation? You're not going to deal with it through employment law, but certainly your firm is a large firm, it's a national firm, and I think that's a fairly influential post to be on. You're going to have some issues with respect to not necessarily having a conflict per se yourself, but perhaps your firm may. Certainly you're going to have knowledge and a role with respect to the distribution of timber. Any comments on that particular thought?

Mr. Christie: Yes. Let me tell you what I've done so far and then probably tiptoe into the hypothetical of what I would do in the situation you've described.

We as a firm keep a computerized database of whom we act for. It doesn't, from what I can tell, appear that we have any conflict of interest now. We don't act for anyone who would be opposed in interest or have their issues dealt with by the forestry authority. That said, I have not gone public because I thought it would be premature and presumptuous to do that, but I will do that after the appointment, if that's what happens.

In terms of direct representation, clearly, if there were any decisions to be made at the authority, I would recuse myself if they were being made with respect to the interests of clients of Gowlings. That's absolute common sense and good governance. I would likely, whether or not it was with respect to me, have the sorts of rules that the Municipal Conflict of Interest Act and things like that enshrine apply to the authority. I expect there are conflict-of-interest guidelines, and I'll abide by them. To the extent that there aren't conflict-of-interest guidelines, that would be just about number one on my agenda, something that good governance ought to have.

Mr. Tascona: I know you applied for a number of other particular agencies—I believe it was the Judicial Appointments Advisory Committee, the Ontario judicial committee, the Order of Ontario, the advisory committee on the centres of excellence—but this is the one you got appointed to. How did you find out about this appointment?

Mr. Christie: I was contacted by the secretariat. You're right: As you look down that list, you can see the logic behind the other positions that I was interested in. My grand old mentor, who's passed away now, was Frank Roberts, who was a lawyer at Smith Lyons, and we merged with Gowlings a couple of years ago. Frank was politically active. He was actually the president of the Rosedale PCs when he was a lawyer, and he took me under his wing when I arrived in Toronto from Queen's, from your apartment. He said, "You know, I'm the vice-chair of the Algonquin Forestry Authority, and it's great. You should think about it. Not now, because you're too young, Christie, but in time you should think about being involved in something like that." So, when the Web site was made known to me, I thought, "OK, I could be on judicial appointments because that's sort of lawyerly," and the university stuff is interesting because I have that background. Then there's the Algonquin Forestry Authority, and I remember what old Frank said and I thought, "I'm just going to put my name down there and see what happens."

Mr. Tascona: Your memory is good.

I haven't got any further questions, but I thank you for coming here today. My colleague Laurie Scott has some.

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Ms. Scott: Thank you for coming and appearing here today and for your interest in the park for a long time now. I think my riding of Haliburton–Victoria–Brock is going to expand when the legislation is finalized to include the boundaries up to Oxtongue Narrows there, up to where you are.

I was just concerned a little bit about someone from the city coming and dictating maybe some of the rules for the rural area. We're having a hard enough time. The logging industry is certainly suffering. You acknowledged the economic engine that creates around a lot of those communities, and I appreciated that. When you said you like the present management plan that was presented, could you develop a little bit, in a few minutes, what that may include, especially for the local communities?

Mr. Christie: As an economic engine, the park, as with other crown land under the Crown Forest Sustainability Act, ought to be an example of a renewable resource that those communities can count on to maximize employment in the long term. It ought to be run efficiently. It ought to be run with a view to breaking even and passing through to the citizens of your riding and others absolutely as much economic benefit as is possible in balance to the recreational goals of the park. I don't see it as anything less than that, to do the best job possible.

Ms. Scott: I don't know the present plan in detail, so that's why I asked you that. Is there some resistance—

Mr. Christie: I'd be overstating it if I said I'd memorized the plan. I've read through it once and thought, "That makes eminent good sense and is a good example of compromise, consensus and balance." Basically, what it says at its core is that the park's forests shall be harvested in a sustainable manner in the long term, and improved.

Ms. Scott: That fits in with the logging groups that are involved there now in the managed forest. Does that fit in with the—

Mr. Christie: I gather so, although I don't think I remember a commitment to the very same logging firms

always sharing in the same percentage. I don't think that was referred to at all in the plan.

Ms. Scott: I don't know if you're aware, but the Canadian Parks and Wilderness Society, CPAWS, had recommended and lobbied the government that it have a 20-year phase-out of the logging industry. Do you have an opinion on their comments at all?

Mr. Christie: I guess my opinion is that the Legislature decides that. That's not for the authority to decide. The Legislature has told the authority what it is to do, and it is to do the quote that Mr. Tascona read out, which is to harvest crown timber and produce logs therefrom and to sort, sell, supply and deliver the logs. Until the Legislature changes that direction, that's the job of the authority.

Ms. Scott: So you feel personally that logging has a place within—

Mr. Christie: Absolutely. That cross-country ski race in Sweden was interesting because it proved the length or breadth of stupidity an individual can have at my age. But it was also—if we think we have a balancing act, it's nowhere near what Sweden, Germany or France have, where they have so much more acute recreational demands and yet also resource requirements. In a sense, we've got it easy because we've got such a big country. I really do believe that it can be a win-win, that there is a place for both aspects of exploitation of the park area.

Ms. Scott: I appreciate your saying that, because we did have some concerns with the appointment of the Bay Street lawyer, as you mentioned before.

I was going to ask your connection to Anne Coghlan of the College of Nurses of Ontario. She's a reference that you've used. I know Anne. I've talked to her over the phone. I'm a nurse in my other life, as I always say.

Mr. Christie: Anne is president of the college of nurses, and the college is a client of mine. I have the greatest respect for her and her sense of the public interest and the volunteer sector. I asked if she could be a reference, and she agreed.

Ms. Scott: So you know her as a client?

Mr. Christie: Yes.

Ms. Scott: OK. I just wondered what the connection might be there.

Thank you very much for coming here today. I have no further questions.

Mr. Christie: You're very welcome. I hope I've allayed your concerns.

Ms. Scott: Yes. I feel much better, thank you.

The Vice-Chair: If I could turn the chair over to Mr. Gravelle.

The Acting Chair: I will now ask Ms. Horwath, on behalf of the third party, to ask her questions.

Ms. Horwath: Thanks very much, Mr. Gravelle.

Mr. Christie, you spoke a little bit about the requirement to have a balance. You also spoke a little bit in your introductory remarks about making sure that you're hearing the voice or the comments of interested and concerned citizens in the process as you move forward, if you receive the appointment. I'm wondering, if you look at your particular biases, let's say, or your particular belief system, where you fall between the two concepts of economic needs and environmental concerns that are wrapped up in the entire Algonquin Forestry Authority.

Mr. Christie: I think I fall where the management plan says the park falls currently, which is that its number one priority is to avoid pollution. That's a good idea, whether it's pollution created by the forestry itself or created by other third parties. With sustainability go environmental concerns: To sustain something at an environmentally unacceptable level is really no sustaining at all. But I don't concede that it's an either/or proposition. I don't think that the people who live around the park and derive their incomes from the proceeds of the park, from the timber, would countenance a clear-cutting or a denigration of the environment for the sake of short-term income. I don't see that as the mindset of the people whom I've met from around the area. So I don't see it as a trade-off; I see it as a delicate balance that reasonable people properly discussing the issues can come to a compromise and a consensus on.

Ms. Horwath: OK. That's fair. You had responded to Ms. Scott's comments around the current lobby that is looking to see the end of logging after a 20-year horizon, and you did answer that question. One of the things that I wanted to explore with you as a result of the comments you just made is the idea that the same lobby group is interested in getting rid of any exemptions that Algonquin Park would have in any anticipated legislation that might be amending the Ontario parks act. In a way, not only do they see this 20-year horizon as being a way to eventually phase out the logging; they're also saying, "Treat it like any other park." So when you made the comments about avoiding pollution, I'm wondering if you would agree, then, that it's not appropriate to exempt Algonquin Park from any proposed changes to legislation that have to do with Ontario parks.

Mr. Christie: Again, the question of whether to change the legislation is one for the Legislature. The Legislature gives the authority its marching orders, and they currently include a special status, if you want to call it that, for Algonquin relative to other provincial parks. It strikes me, though, as a matter of personal opinion, that Algonquin is different from other provincial parks. It's not the same as Sandbanks Provincial Park, which is more predominantly a day-use or brief, overnight car-accessed park. That's not what Algonquin is, so there may well be very good reasons for continuing the special status.

On the other hand, if the Legislature, in its wisdom, decides that for some reason times have changed, then that's their call, but I don't go in with any preconceived agenda on that issue.

Ms. Horwath: OK. You had mentioned in your remarks that you didn't consider yourself to be an expert in forestry, and that's not the perspective that you're bringing to this position. What about your experience or expertise in community development? Can you expand on that?

Mr. Christie: I do think that's part of the skill set that I bring that's valuable. As I look at the current plan, and in fact at every document on the Web site of the authority, the one issue that is highlighted as something that the authority thinks they ought to do better is the involvement of First Nations in the development of policy for the park. That strikes me as a very sensible thing that, if the appointment is made, will become a little project of mine. I think, if the asset is supposed to reflect the consensus of the community, then the First Nations ought to be at the table providing their input.

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Ms. Horwath: Can you tell me, and I apologize for not knowing this already, whether there is a current dialogue that is occurring with First Nations in regard to Algonquin Park, the history of that?

Mr. Christie: What's on the Web site kind of hedges that, in the way that annual reports want to raise an issue but don't want to highlight shortcomings. It's stated in the positive that more work needs to be done to include the First Nations of the park area, the Golden Lake band, and things like that in the governance of the authority. All I can say is that that sounds like a very reasonable idea and one whose time has come.

Ms. Horwath: Do you have any particular experience in engaging First Nations in dialogue in participation in these kinds of structures?

Mr. Christie: Not on an official basis. In dealing with individuals, I walked along a portage trail with a member of the Dogrib First Nation up near Fort Simpson, who told for me about an hour and a half how the greatest accomplishment in his year just past was that he had tanned a moose using his great-grandmother's recipe for that. He described it in such detail that I almost lost my lunch. Other than that sort of personal anecdotal contact, no, but I look forward to it.

Ms. Horwath: Could you tell me how you would hope to be able to approach beginning to build that relationship?

Mr. Christie: I think the first issue is to be briefed on who the groups are, what's been done so far, whether the current situation is a result of requests for involvement and refusal or simple apathy, or nobody asked the question or whatever it is. You need to understand that dynamic first.

Second, treat people in a sensitive, inclusive, even-handed, fair way to encourage them to participate in the process. That probably applies to all people, not just First Nations.

The Vice-Chair: One-minute warning, if I may, Ms. Horwath.

Ms. Horwath: OK. Do you know what? I think I've asked all the questions I needed to ask.

Thank you, Mr. Christie.

The Vice-Chair: Thank you very much, Mr. Christie. That does complete the questioning, and we invite you to stay. We will be going through concurrence of the appointments after this.

I will now pass this back to our Vice-Chair, Ms. Horwath.

The Vice-Chair: I want to also thank you for coming here today. We will then move on to the next portion of our agenda. You're welcome to take a seat or go about your day, whichever you choose.

We're going to start with the consideration of the intended appointees, beginning with Gayle Nathanson, who is an intended appointee as a member of the Office for Victims of Crime.

Mr. Parsons: I would move concurrence.

The Vice-Chair: Concurrence has been moved by Mr. Parsons. Any discussion? All in favour? Any opposed? That's carried.

Next is the intended appointment of Stephen Diamond as a member of the Liquor Control Board of Ontario.

Mr. Parsons: I would move concurrence.

The Vice-Chair: Any discussion?

Mr. Tascona: Yes. With respect to this particular appointment, I know that he was selected by the third party. I think that Mr. Diamond was quite frank with respect to his affiliation with the Liberal Party from a donor aspect and also involvement in their fundraising. He was quite candid with respect to the reasons that he was directly approached by the chair of the Public Appointments Secretariat to be involved as a director on the LCBO with respect to real estate issues. I find it quite noteworthy because of the fact of his contact through the chair of the Public Appointments Secretariat. We've been on this committee almost two years now, and I think that's maybe the first one where there was a direct appointment contact. Through the Premier's office, we're aware of that connection, and Mr. Diamond was quite frank about that. The questions you raised, Madam Vice-Chair, with respect to that particular article in the Toronto Star, his being in attendance at a fairly high-level fundraiser of Liberal-connected people, is something you questioned about and that we got information from Mr. Diamond about with respect to his attendance being verified and also whatever involvement he may have had.

Aside from that, it's apparent that the government engaged in an activity, wasting $600,000 of taxpayers' money, to look at whether the LCBO should be privatized, and then the Minister of Finance, after the report was done pointing to the fact that there should be something done with respect to the alcohol distribution system in the province of Ontario, cast the recommendations to the wind, for whatever reasons, probably political, because they were involved in negotiations with the LCBO at the time. The fact remains that it's $600,000 of wasted taxpayers' money, and the service is going to remain public. That's a decision they have made.

I'm not one to question the Minister of Finance's motives or reasons for that, but it seems apparent that the service may stay public but the landholdings may not. I don't think it's any minor bone that's been thrown to Mr. Diamond, his being a prominent land development lawyer. The LCBO, through the Premier's office, is looking

for his expertise with respect to real estate holdings and the fact that the LCBO is obviously looking to market itself in a more prominent manner, with larger stores and front-window parking and front-window access. Divesting themselves of their landholdings may be the agenda of the LCBO—one will have to see—which may be the first step toward their ultimate privatization.

Once they divest themselves of their landholdings and give out the gold-plated leases from the LCBO that anyone who's in the land development business or any landlord would like to get, or selling off their own landholdings to just lease land and get a gold-plated LCBO lease in a mall or in one particular area certainly will be highly sought after. Quite frankly, there'll be tremendous competition in that area.

So I find it confusing why Mr. Diamond, who's a highly respected land development lawyer in a very busy law firm, the same law firm, by the way—McCarthy Tétrault is where Mr. Bryant, the Attorney General, comes from. He's handed this bone. No one's questioning whether there would be a conflict of interest; certainly that firm and Mr. Diamond would exercise their proper judgment. But the knowledge to be gained about where the LCBO, which is no small player in the land development industry—and I put that out—is going to go in terms of developing commercial property, including leases, to me is a very attractive appointment.

It's no small bone that's being thrown to a person who has candidly admitted that he was involved in fundraising. Obviously, he did a very good job, because he was invited, as he indicated, to this particular dinner, which was reported in the March 9 Toronto Star. He didn't have to pay to go there, although I think it was reported—I may stand corrected, Madam Vice-Chair—that the ticket fee was about $10,000 for that particular dinner, yet he was there.

Shortly thereafter, there was a contact from the Public Appointments Secretariat committee, through the Premier's office, for him to take up a director's role on the LCBO, which falls right within his land development practice. I'm not casting any aspersions on Mr. Diamond. I think he's very qualified. He was professional when I dealt with him on the city of Barrie, when we were able to maintain, through the years that I was on city council, public ownership of CN properties by the South Shore Centre, which are now all in public ownership, as opposed to building houses on the city of Barrie waterfront.

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But I think it really casts a shadow on this appointments process when you have direct involvement of the Premier's office, with a well-known and obviously effective fundraiser being appointed in an area of his own expertise, where there is going to be vast landholding and vast real estate activity. I don't know how many stores the LCBO has, but certainly they've got plenty. They've got plenty of landholdings and they've got plenty of activity in commercial leasing. I think every member gets a call from someone who would love to get an LCBO lease, or someone looking at their property, because they have a very active real estate arm in the LCBO.

Though I didn't elaborate in terms of the issues, what they wanted his expertise in and what particular areas they were looking for in that, obviously there's something they want from him in terms of his expertise, and certainly he's willing to give that in terms of public service to the Liberal Party, which has obviously been very good to him.

Those are the comments I have. I can't support his appointment. I think the hands of the Liberal Party are all over this. I don't see the public interest being served in terms of this particular type of appointment when there's that much direct involvement of the Premier's office and the fundraising arm of the Liberal Party. I think there should be some tremendous sensitivity out there with respect to where the LCBO is going. Maybe their service at this point in time, through Mr. Sorbara, is not going to be anything more than public, but certainly their landholdings are going in a different direction, and that should be cause for concern for anybody. Obviously, they're outside the Ontario Realty Corp., which is arguably the government's authority to deal with government landholdings. But that doesn't apply to the LCBO because the LCBO is a crown corporation and they'll be dealing with their own landholdings. It's a very complicated, very surprising, very timely, very interesting political appointment.

The Vice-Chair: Thank you, Mr. Tascona.

Are there any other comments, any other discussion? Seeing none, in regards to the appointment, concurrence was moved by Mr. Parsons.

Mr. Tascona: Recorded vote.

The Vice-Chair: For the appointment of Stephen Diamond to the Liquor Control Board of Ontario.

Ayes

Cansfield, Dhillon, Gravelle, Parsons, Racco.

Nays

Scott, Tascona.

The Vice-Chair: Thank you very much. The motion has been carried.

We'll now move to the next intended appointee, which is David Wilson, intended appointee as chair of the Ontario Securities Commission.

Mr. Parsons: I move concurrence.

The Vice-Chair: Concurrence is moved by Mr. Parsons. Is there any discussion? No discussion? All in favour? Any opposed? The motion is carried.

We will now consider the intended appointment of Dorte Deans as a member of the Social Benefits Tribunal.

Mr. Parsons: I move concurrence.

The Vice-Chair: Concurrence is moved by Mr. Parsons. Is there any discussion? All those in favour? Any opposed? That's carried. Thank you.

We'll now consider the intended appointment of Linda Newman as a member of the Bradford West Gwillimbury/Innisfil Police Services Board.

Mr. Tascona: I move concurrence.

Mr. Parsons: I move concurrence.

The Vice-Chair: Jointly moved—OK, moved by Mr. Tascona. Is there any discussion? Seeing none, all those in favour? Any opposed? That's carried. Thank you.

We will now consider the intended appointment of Hugh Christie, intended appointee as member and chair of the Algonquin Forestry Authority.

Mr. Parsons: I move concurrence, and I was first.

The Vice-Chair: Concurrence is moved by Mr. Parsons. Is there any discussion?

Mr. Tascona: I just want to comment on Mr. Christie. He was the warden before me at Queen's University, Gordon residence. Notwithstanding that, I'm going to support his appointment.

The Vice-Chair: Thanks, Mr. Tascona.

Any further discussion? All those in favour? Any opposed? That's carried, then.

COMMITTEE BUSINESS

The Vice-Chair: Is there any other business that members wanted to bring to the committee now that the appointees—

Mr. Tascona: Yes.

The Vice-Chair: OK. Mr. Tascona.

Mr. Tascona: Thanks very much. I really appreciate that. There are a couple of matters that I would like to raise.

I note that we did get a letter addressed to Tim Hudak, the Chair of this committee, from Debra Roberts, director of the Ministry of Government Services Public Appointments Secretariat. It has to do with some matters here in terms of the appointments process. I appreciate the director writing the committee with respect to these concerns. It involved the screening process and the timing of press releases that are being sent. I think it should be brought to the attention of the committee that we do appreciate the work that is done through the Ministry of Government Services. We do appreciate these responses, but certainly it is pretty evident that there obviously is work to be done in terms of the drafting of the orders in council and corrections and whatever. I think the committee has to be vigilant and make sure that we get full disclosure and full information to do our job.

The other area that I want to comment on is that there was an article that called the government to task for their delay in appointing people to fill vacancies on the College of Physicians and Surgeons. Our most recent certificate finally included these names, but it's distressing to see that the government is taking its obligation to fill vacancies on boards so lightly.

On a visit to the Public Appointments Secretariat Web site, it was found that there are 266 boards that list upcoming vacancies. The Web site indicates that there are almost 630 agencies, boards and commissions. Almost half of the boards are considered to have upcoming vacancies. Not all of those vacancies are going to be filled by reappointments; not all of them can be filled that way. Some of the boards, such as the provincial advisory committee—construction boilermaker, do not show as having any current members, this despite a requirement for this board to have five members. The same thing holds true for the provincial advisory committee—ironworker, and for the Dryden Police Services Board. That position has been vacant since October of last year.

This Liberal government has to get serious about its responsibility to make sure that the agencies, boards and commissions can function. I would like to find out why the various ministers of these particular boards, agencies and commissions are neglecting their responsibilities and not bringing appointments forward in a timely manner. I'd like to put that forth to the director of the Public Appointments Secretariat. I'd also like the director of the Public Appointments Secretariat to provide this committee with information about which boards currently have fewer than the required number of provincial appointees. If that requires to be put as a motion, I've got two motions there, but I certainly think this committee deserves some answers.

The Vice-Chair: Thank you, Mr. Tascona. I would suggest that there are two ways of going about it. One is simply asking the Chair to send correspondence requesting that those two issues be responded to, or a formal motion, so whichever you prefer.

Mr. Tascona: The former would be preferable, Madam Vice-Chair.

The Vice-Chair: OK. So we'll then ask the Chair to put together a letter outlining the number of committees that have fewer than the required number of appointees on them, and then the first issue, outlining which ministers are responsible for those various vacancies—and why.

Mr. Tascona: Thank you.

The Vice-Chair: Thank you very much. Is there any other new business? Any other business?

All right, then. Seeing none, I'll call the meeting adjourned. Thank you all for your wonderful participation today. When is our next meeting? Do we have our next meeting set?

Interjection.

The Vice-Chair: Well, we have no outstanding appointees; there you go. Have a good day, everyone. Thank you very much.

The committee adjourned at 1241.

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